

1-51. Receptions and Refreshments to Recognize Award Recipients

1200 TN 575
07/20/2016

1. **AUTHORITY.** To approve the incurring of necessary expenses under the Government Employees Incentives Awards Act related to official awards receptions and refreshments served at these receptions.
2. **TO WHOM DELEGATED.**
 - a. Deputy Administrator;
 - b. assistant administrators;
 - c. deputy chief of staff;
 - d. chief financial officer;
 - e. general counsel;
 - f. inspector general; and
 - g. regional administrators.
3. **LIMITATIONS.**
 - a. Expenses for receptions and refreshments must be determined to be necessary by the approving official, and in accordance with Comptroller Policy Announcement No. 87-14, Policy on Receptions and Refreshments Provided to Recognize Award Recipients.
 - b. Expenses incurred must be to recognize individuals who are recipients of awards as authorized by the EPA Recognition Policy and Procedures Manual and the Performance Appraisal and Recognition System (PARS).
 - c. Only agency employees with a warrant of contracting officer authority in accordance with Chapter 1 of the Contracts Management Manual, may contract for such expenses after approval is obtained.
4. **REDELEGATION AUTHORITY.**
 - a. The authority of the assistant administrator for Research and Development (ORD) may be redelegated to the ORD national laboratory/center/office directors, or equivalent positions but may not be redelegated further.
 - b. The authority of the assistant administrator for Administration and Resources Management may be redelegated to the directors of Office of Administration and Resources Management, Cincinnati and Research Triangle Park and the director, Office of Human Resources or equivalent positions and may not be redelegated further except as provided in 4.c.
 - c. The authority of the director, Office of Human Resources may be redelegated directly to the EPA awards program officer, or equivalent position, and may not be redelegated further.
 - d. In addition to the authorities to redelegate in paragraphs 4(a)-(c), the authority delegated to assistant administrators may be redelegated to deputy assistant administrators but may not be redelegated further.

5. **ADDDITIONAL REFERENCES.** Title 5 U.S.C. Section 4503 and 5 C.F.R. Part 451.

1-49. Assertion of the Deliberative Process Privilege

1200 TN 106
07/20/2016

1. **AUTHORITY.** To assert the deliberative process privilege in judicial and administrative litigation with respect to documents, portions of documents, or other materials within the control of the Agency.
2. **TO WHOM DELEGATED.** Deputy Administrator, assistant administrators, General Counsel, Inspector General, associate administrators, regional administrators.
3. **LIMITATIONS.** All delegates must obtain the concurrence of the General Counsel before asserting the deliberative process privilege.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to deputy assistant administrators and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL, REFERENCES.**
 - a. Rule 501, Federal Rules of Evidence;
 - b. Rule 26, Federal Rules of Civil Procedure; and
 - c. See the Memorandum of October 3, 1984, from William D. Ruckelshaus, Administrator, to assistant administrators, General Counsel, Inspector General, associate administrators, and regional administrators entitled "Guidance for Assertion of Deliberative Process Privilege."



Delegation of Authority

1-47. Assistance Agreements for Economic, Social Science, Statistical, and Other Research, Development, Studies, Surveys, Demonstration, Investigations, Public Education Programs, Training, and Fellowships

1200 TN 525

12/23/2009

Administrative Update 12/15/2015

1. **AUTHORITY.** To approve assistance agreements for activities including, but not limited to, economic, social science, statistical research, development, studies, surveys, demonstrations, investigations, public education, training and fellowships to the extent authorized under the following Acts:
 - a. Clean Water Act, Section 104;
 - b. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20;
 - c. Clean Air Act, Section 103;
 - d. Solid Waste Disposal Act, Section 8001;
 - e. Safe Drinking Water Act, Section 1442;
 - f. Toxic Substances Control Act, Section 10;
 - g. Marine Protection, Research and Sanctuaries Act, Section 203;
 - h. Comprehensive Environmental Response, Compensation and Liability Act, Section 311;
 - i. National Environmental Policy Act, Section 102(2)(F) for international awards; and
 - j. Indian Environmental General Assistance Program Act.
2. **TO WHOM DELEGATED.**
 - a. The Chief of Staff to the Administrator;
 - b. The Assistant Administrator for Air and Radiation;
 - c. The Assistant Administrator for Environmental Information;
 - d. The Assistant Administrator for Land and Emergency Management;
 - e. The Assistant Administrator for Enforcement and Compliance Assurance; and
 - f. Regional Administrators.

3. LIMITATIONS.

- a. The authority delegated to the Assistant Administrator for Air and Radiation is limited to assistance agreements and fellowships authorized under Section 103 of the Clean Air Act.
- b. The authority delegated to the Assistant Administrator for Land and Emergency Management is limited to assistance agreements and fellowships authorized under Section 311 of the Comprehensive Environmental Response, Compensation and Liability Act, and under Section 8001 of the Solid Waste Disposal Act.
- c. The delegated authority is limited to activities directly contributing to the implementation of the mission of the office and consistent with congressionally approved budget requests.
- d. The authority delegated to the Chief of Staff to the Administrator, the Assistant Administrator for Air and Radiation, the Assistant Administrator for Environmental Information, the Assistant Administrator for Enforcement and Compliance Assurance, and the Regional Administrators, does not include research within the purview of the Office of Research and Development.
- e. The authority delegated to the Chief of Staff to the Administrator, the Assistant Administrator for Air and Radiation, and the Assistant Administrator for Environmental Information, and the Assistant Administrator for Land and Emergency Management does not include authority to make awards under Indian Environmental General Assistance Program Act from 1. j.

4. REDELEGATION AUTHORITY.

- a. The authority delegated to the Chief of Staff to the Administrator is redelegated through the Deputy Chief of Staff to the Associate Administrators and Staff Office Directors and may be redelegated to the Division Director level, or equivalent, but no further.
- b. The authority delegated to the Assistant Administrator for Environmental Information may be redelegated to the Division Director level, or equivalent, but no further.
- c. The authority delegated to the Assistant Administrator for Air and Radiation may be redelegated to the Office Director level, or equivalent, but no further, except as indicated in 4.c.
- d. For the Office of Transportation and Air Quality residing in Ann Arbor, this authority may be redelegated to the Deputy Director level, or equivalent, but no further.
- e. The authority delegated to the Assistant Administrator for Land and Emergency Management may be redelegated to the Office Director/Staff Director level, or equivalent, but no further.
- f. The authority delegated to the Assistant Administrator for Enforcement and Compliance Assurance may be redelegated to the Office Director level, or equivalent, but no further.

- g. The authority delegated to the Regional Administrators may be redelegated to the Division Director level, or equivalent, but no further.
- h. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Federal Grant and Cooperative Agreement Act of 1977
- b. 40 CFR Parts 30, 31, 40, 45, and 46
- c. EPA's Assistance Administration Manual, including Chapter 7, Assistance to Project Activities Outside the United States, [Chapter 7, Subpar. 1 (C) (2) and (3)]
- d. EPA Delegation 1-14, *Assistance Agreements* EPA Order 1130.2A, *Senior Resource Officials and Resources Management Committee*

1-42. Foreign Residence Requirement Waivers

1200 TN 91

11/1/83

Administrative Update 11/18/2016

1. **AUTHORITY.** To Request waivers of the two-year foreign residence requirement for aliens temporarily admitted to the United States pursuant to certain educational exchange programs to be admitted as permanent resident aliens pursuant to section 212(e) of the Immigration and Nationality Act, as amended, and section 63.6 of Title 22, CFR.
2. **TO WHOM DELEGATED.** The Assistant Administrator for International and Tribal Affairs.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority is redelegated to the Deputy Assistant Administrator for International Activities and may not be redelegated further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1-39A. Delegation of Authority to Settle Administrative Equal Employment Opportunity (EEO) Claims and Complaints

1200 TN 305

10/30/2007

1. AUTHORITY.

On behalf of the U.S. Environmental Protection Agency (EPA or Agency), to enter into settlement agreements that resolve administrative claims and complaints brought against the Agency under various EEO authorities, including the Equal Pay Act of 1963, as amended, 29 U.S.C. 206(d) et seq.; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq.; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.; the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.; Executive Orders 11478, 12106, 13145, and 13152; and the Equal Employment Opportunity Commission (EEOC) regulations at 29 C.F.R. Part 1614. This includes the authority to settle any and all of a complainant's pending administrative EEO claims and complaints, and mixed case appeals filed by an appellant before the Merit Systems Protection Board (MSPB).

2. TO WHOM DELEGATED.

- a. The Chief of Staff, Assistant Administrators, Regional Administrators, General Counsel, Inspector General, and Chief Financial Officer, for settlement agreements with complainants in their respective organizations prior to the complainant requesting a hearing before the EEOC or MSPB.
- b. The EPA Office of General Counsel (OGC), Office of Regional Counsel (ORC), or Office of Inspector General (OIG) attorney designated by OGC, ORC, or OIG to represent the Agency after a complainant requests a hearing before the EEOC or files a mixed case appeal before the MSPB.

3. REDELEGATION AUTHORITY.

- a. The authority in paragraph 2a may be redelegated to management officials within the delegates' respective organizations. This authority may not be redelegated lower than the Division Director level, or equivalent.
- b. The authority in paragraph 2b may not be redelegated.

4. LIMITATIONS.

- a. The settlement authority provided under this delegation may only be exercised with the concurrence of the Director, Office of Civil Rights (OCR), on acceptable parameters for settlement. This concurrence must be obtained as early as practical. If settlement negotiation results in settlement terms that deviate from the parameters concurred upon by the Director, OCR, then the delegatee or re-delegatee must obtain concurrence on the new terms or new parameters before entering into a settlement agreement. The Director, OCR, at his or her discretion, may waive the concurrence requirement, in writing, at any time.
- b. The settlement authority provided under paragraph 2a may only be exercised after legal review of a proposed settlement agreement by OGC, ORC, or OIG Office of Counsel, as applicable.
- c. The settlement authority provided under paragraph 2b may only be exercised with the concurrence of the appropriate EPA management official.
- d. The designation of OIG attorneys to represent the Agency in the processing of employee complaints covered by this delegation will be in accordance with the provisions of the Memorandum of Understanding Between the General Counsel and the Inspector General of the United States Environmental Protection Agency, dated September 8, 2004.
- e. Subject to paragraph 4a, an OGC, ORC, or OIG attorney may engage in discussions and negotiations that may lead to settlement of a claim or complaint by an official who has settlement authority under this delegation.

5. ADDITIONAL REFERENCES.

- a. EPA Delegation 1-34, Litigation Representation
- b. EPA Delegation 1-83, Final Decisions on Formal Complaints of Discrimination
- c. 29 C.F.R. Part 1614



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2. TO WHOM DELEGATED.

- a. The Chief of Staff, Assistant Administrators, Regional Administrators, General Counsel, Inspector General, and Chief Financial Officer, for settlement agreements with complainants in their respective organizations prior to the complainant requesting a hearing before the EEOC or MSPB.
- b. The EPA Office of General Counsel (OGC), Office of Regional Counsel (ORC), or Office of Inspector General (OIG) attorney designated by OGC, ORC, or OIG to represent the Agency after a complainant requests a hearing before the EEOC or files a mixed case appeal before the MSPB.

3. REDELEGATION AUTHORITY.

- a. The authority in paragraph 2a may be redelegated to management officials within the delegates' respective organizations. This authority may not be redelegated lower than the Division Director level, or equivalent.
- b. The authority in paragraph 2b may not be redelegated.

4. LIMITATIONS.

- a. The settlement authority provided under this delegation may only be exercised with the concurrence of the Director, Office of Civil Rights (OCR), on acceptable parameters for settlement. This concurrence must be obtained as early as practical. If settlement negotiation results in settlement terms that deviate from the parameters concurred upon by the Director, OCR, then the delegatee or re-delegatee must obtain concurrence on the new terms or new parameters before entering into a settlement agreement. The Director, OCR, at his or her discretion, may waive the concurrence requirement, in writing, at any time.
- b. The settlement authority provided under paragraph 2a may only be exercised after legal review of a proposed settlement agreement by OGC, ORC, or OIG Office of Counsel, as applicable.
- c. The settlement authority provided under paragraph 2b may only be exercised with the concurrence of the appropriate EPA management official.
- d. The designation of OIG attorneys to represent the Agency in the processing of employee complaints covered by this delegation will be in accordance with the provisions of the Memorandum of Understanding Between the General Counsel and the Inspector General of the United States Environmental Protection Agency, dated September 8, 2004.
- e. Subject to paragraph 4a, an OGC, ORC, or OIG attorney may engage in discussions and negotiations that may lead to settlement of a claim or complaint by an official who has settlement authority under this delegation.

5. ADDITIONAL REFERENCES.

- a. EPA Delegation 1-34, Litigation Representation
- b. EPA Delegation 1-83, Final Decisions on Formal Complaints of Discrimination
- c. 29 C.F.R. Part 1614



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 14 2015

MEMORANDUM

SUBJECT: Delegation of Authority 1-38A, Administrative Proceedings

FROM: Gina McCarthy

A handwritten signature in blue ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Kathie A. Stein, Lead Judge
Environmental Appeals Board

I hereby delegate to the Environmental Appeals Board the authority to perform administrative appeal functions associated with the enforcement of the Act to Prevent Pollutions from Ships and other environmental statutes as provided in the delegation.

1-38A. Administrative Proceedings (1200 TN 281)

1. **AUTHORITY.** To serve as the final decision maker in all administrative proceedings under the:
 - a. Clean Water Act;
 - b. Clean Air Act;
 - c. Comprehensive Environmental Response, Compensation, and Liability Act of 1980;
 - d. Emergency Planning and Community Right-to-Know Act;
 - e. Equal Access to Justice Act;
 - f. Federal Insecticide, Fungicide and Rodenticide Act;
 - g. Marine Protection, Research and Sanctuaries Act;
 - h. Program Fraud Civil Remedies Act;
 - i. Resource Conservation and Recovery Act;
 - j. Safe Drinking Water Act;
 - k. Toxic Substances Control Act; and
 - l. Act to Prevent Pollution from Ships.
2. **TO WHOM DELEGATED.** The Environmental Appeals Board.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** The Environmental Appeals Board may not redelegate this authority.
5. **ADDITIONAL REFERENCES.** 40 CFR Parts 17, 22, 27, 60, 66, 85, 86, 164, 209, 222.



Delegation of Authority

1200 TN 152
12/05/1986

1-32-B. Freedom of Information [FIFRA Section 10(g)(1)]

1. **AUTHORITY.** To determine under the last sentence of Section 10(g)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), whether information submitted under FIFRA by an applicant of registrant is relevant to a determination, being made in a public proceeding, of whether a pesticide (or any ingredient of a pesticide) causes unreasonable adverse effects on the environment; and to determine whether to disclose such information found to be relevant, to a person participating in the proceeding despite the other provisions of FIFRA Section 10(g)(1).
2. **TO WHOM DELEGATED.** This authority is delegated to the Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** The Assistant Administrator for Chemical Safety and Pollution Prevention shall consult with the General Counsel before authorizing any disclosure under this delegation.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Director of the Office of Pesticide Programs and may not be redelegated further.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR 2.307.
 - b. "Treatment of Information Submitted Under FIFRA; Interim Procedures," 43 CFR 59060, December 19, 1978.
 - c. Chapter 1-32-A delegation entitled Freedom of Information (FIFRA).



Delegation of Authority

1200 TN 350
05/11/1994

1-32-A. Freedom of Information (FIFRA)

1. **AUTHORITY.** To determine, pursuant to 40 CFR 2.307(h), whether to disclose confidential information received under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
2. **TO WHOM DELEGATED.**
 - a. General Counsel;
 - b. Assistant Administrator for Chemical Safety and Pollution Prevention;
and
 - c. Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.** This authority is delegated to the Assistant Administrator for Chemical Safety and Pollution Prevention only in medical emergencies where medical professionals need immediate access to pesticide formulae or health effects data. This authority is delegated to the Assistant Administrator for Enforcement and Compliance Assurance in enforcement-related activities.
4. **REDELEGATION AUTHORITY.** The General Counsel and the Assistant Administrator for Enforcement and Compliance Assurance may redelegate this authority. In medical emergencies, the Assistant Administrator for Chemical Safety and Pollution Prevention may redelegate this authority to the Division Director level.



Delegation of Authority

General, Administrative and Miscellaneous

1-31. Freedom of Information: Appeal Determinations and Confidentiality Determinations

1200 TN 529
05/07/2008

1. **AUTHORITY.** To make legal determinations in connection with appeals from initial denials of requests for records or from initial denials of requests for fee waivers or reductions under the Freedom of Information Act, 5 U.S.C. 552, and EPA's implementing regulations at 40 CFR Part 2, Subpart A; and to make final confidentiality determinations, advance determinations, and class determinations, and to perform other functions specified in 40 CFR Part 2, Subpart B.
2. **TO WHOM DELEGATED.** The General Counsel.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Principal Deputy General Counsel; the Associate General Counsel, General Law Office; the Deputy Associate General Counsel, General Law Office, who is responsible for information law matters; and the Assistant General Counsel for Information Law, General Law Office.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 91

11/1/83

Administrative Update 12/15/2016

1-30. Freedom of Information

1. **AUTHORITY.** To make initial positive and negative determinations relative to the release of information, waive payment of fees, and extend the date for mailing an initial determination pursuant to the Freedom of Information Act, 5 U.S.C. 552 and 40 CFR Part 2.

2. **TO WHOM DELEGATED.** Deputy Administrator; Assistant Administrators; Associate Administrators; Heads of Staff Offices to the Administrator; Regional Administrators; General Counsel; and Inspector General.

3. **LIMITATIONS.** As noted in Section 4, **REDELEGATION**.

4. **REDELEGATION.** This authority may be redelegated except that the authority to issue initial denials of requests for existing, located records may not be redelegated below division director or equivalent.

An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **REFERENCES.** None

GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS

1-29. Receipt, Evaluation and Compliance With Process of Garnishment Orders for Child Support and/or Alimony, and Commercial Garnishment Orders

1. AUTHORITY. To exercise the authorities and fulfill the responsibilities placed in the Administrator by 41 U.S.C. 659 and 5 U.S.C. 5520a and 5 C.F.R. Parts 581 and 582. These statutes and regulations concern the Administrator's responsibilities to receive, evaluate and comply with orders of garnishment issued for child support and/or alimony against EPA employees and with orders of commercial garnishments.
2. TO WHOM DELEGATED. The General Counsel.
3. LIMITATIONS. None.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the EPA Claims Officer.
5. ADDITIONAL REFERENCES. None.

GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS

1-26. Waiver of Claim for Erroneous Payment of Pay

1. AUTHORITY. To receive, investigate, evaluate, and make decisions regarding the waiver of Government claims for erroneous payment of pay or allowances under the authority of 5 U.S.C. 5584.
2. TO WHOM DELEGATED. The General Counsel.
3. LIMITATIONS. None.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the EPA Claims Officer.
5. ADDITIONAL REFERENCES. None.



Delegation of Authority

1200 TN 505
04/07/2000

1-22. Regulation and Paperwork Management

1. **AUTHORITY.** To release the following documents to OMB for review under E.O. 12291 and the Paperwork Reduction Act of 1990, as amended:
 - a. All EPA rulemaking packages, including proposed and final rulemaking documents, regulatory impact analyses, and regulatory flexibility analyses;
 - b. Semi-annual agendas of expected EPA regulatory activities.
2. **TO WHOM DELEGATED.** The Associate Administrator for Policy (OP).
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level, or equivalent, and may not be redelegated further.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 543

04/22/2002

1-21. Federal Register

1. **AUTHORITY.** To sign and submit the documents listed below for publication in the Federal Register.

2. TO WHOM DELEGATED.

Official		Type of Document	
a.	Assistant Administrators Associate Administrators General Counsel Inspector General Regional Administrators Chief of Staff	(1)	Proposed and Final Rulemaking documents which correct previously published documents, make nonsubstantive changes to previously published documents, amend or change regulations without affecting their stringency, applicability, burden of compliance, or compliance costs.
		(2)	Technical amendments to the list of OMB information collection request (ICR) control numbers and relevant CFR cites codified at 40 CFR Part 9.
b.	Assistant Administrators Associate Administrators General Counsel Inspector General Regional Administrators Chief of Staff	(1)	General Notices, including but not limited to: extension or reopening of a public comment period; public hearings; availability of publications, reports, and guidelines; receipt of test data; filings; and application, registration, or certification information.
		(2)	Notices of advisory committee matters.
c.	Assistant Administrator for Environmental Information	Notices of information collection requests (ICRs) submitted for approval to OMB; notices of OMB approval or disapproval of ICRs.	
d.	Assistant Administrator for	Proposed State Implementation Plans,	

	Air and Radiation Regional Administrators	including revisions and compliance schedules.
e.	Assistant Administrator for Enforcement and Compliance Assurance	Notices listing all reviews of Environmental Impact Statements for which the Agency has developed written comments.
f.	Regional Administrators	Notices of Proposed and Final Rulemakings under Sections 111(d) and 129(b)(2) of the Clean Air Act, as amended, 42 U.S.C. 7411(d) and 7429(b)(2).
g.	Assistant Administrator for Administration and Resources Management	EPA Acquisition regulations which implement or supplement the Federal Acquisition Regulations (48 CFR chapter 1), including the display of OMB ICR control numbers in a table (codified at 48 CFR Chapter 15). See 40 U.S.C. 486(c).
h.	Assistant Administrator for Chemical Safety and Pollution Prevention	Notices acknowledging receipt for premanufacture notices, as required by Section 5(d)(2) of the Toxic Substances Control Act, in accordance with 40 CFR Part 720.20.
i.	Assistant Administrator for Environmental Information	EPA proposed and final rules which exempt systems of records from the requirements of certain provisions of the Privacy Act pursuant to Section 552a(j) and (k) of the Privacy Act.

3. LIMITATIONS.

- a. Officials who are delegated authority under this delegation are responsible for ensuring compliance with all current regulatory statutes, executive orders, and presidential memoranda, including but not limited to the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), Paperwork Reduction Act (44 U.S.C. 3501 et. seq.), Unfunded Mandates Reform Act (Pub. Law 104-4), Congressional Review Act (5 U.S.C. 801-808), National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note), Executive Order 12866 (Regulatory Planning and Review), Executive Order 12898, [Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations] (59 FR 7629, February 16, 1994), Executive Order 13045 (Children's Health Protection), Executive Order 13132, [Federalism] (64 FR 43255, August 10, 1999), Executive Order 13175, [Consultation and Coordination with Indian Tribal Governments] (59 FR 22951,

November 6, 2000), Executive Order 13211, "Actions concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), and Presidential Memorandum on Plain Language (June 1, 1998). Documents signed by the above officials must be submitted to the Federal Register Officer in the Office of Policy (OP) who is responsible for verifying the documents comply with all regulatory requirements prior to releasing the documents to the Office of Federal Register for publication.

- b. The Administrator reserves the authority to sign Advance Notices of Proposed Rulemaking (excepting those pursuant to Section 4(a) and (b) of the Toxic Substances Control Act) and Notices of Intent to Issue Rulemaking.

4. REDELEGATION AUTHORITY.

- a. Authority to issue documents listed in 2.a(1), 2.d, and 2.f, may be redelegated to the Deputies of the officials listed in those paragraphs, and it may not be redelegated further;
- b. Authority to issue documents listed in 2.a(2) may be redelegated to the Staff Office Director Level, or equivalent, within the Office of the Administrator, as well as to the Division Director level, or equivalent, in all other specified offices; and it may not be redelegated further;
- c. Authority to issue documents listed in 2.b may be redelegated to the Staff Office Director level, or equivalent, within the Office of the Administrator as well as to the Division Director level, or equivalent in the other respective offices, and 2.b(2) may be further redelegated to Designated Federal Officers for Agency advisory committees; and this authority may not be redelegated further;
- d. Authority to issue documents listed in 2.c may be redelegated to the Division Director level, or equivalent, and it may not be redelegated further;
- e. Authority to issue documents listed in 2.e may be redelegated to the Office Director level, or equivalent, and it may not be redelegated further;
- f. Authority to issue documents listed in 2.g may be redelegated to the Director, Office of Acquisition Management, and it may not be redelegated further;
- g. Authority to send notices listed in 2.h may be redelegated to the Division Director level, or equivalent, and it may not be redelegated further. The authority to determine that more specific information is in the public's interest may be delegated to the Office Director level, or equivalent, and it may not be redelegated further; and

- h. Authority to issue documents listed in 2.i may be redelegated to the Deputy Assistant Administrator for Environmental Information and it may not be redelegated further.

5. ADDITIONAL REFERENCES.

There may be statute-specific delegations which involve the delegation of signature authority for Federal Register notices. Refer to the specific statute to determine if a statute-specific delegation applies.

1-20. Annual Leave Forfeiture

1200 TN 91

07/20/2016

1. **AUTHORITY.** To make a determination, pursuant to Section 6304 of Title 5 U.S.C. that an exigency of major importance would prevent the use of annual leave to avoid forfeiture.
2. **TO WHOM DELEGATED.**
 - a. Deputy Administrator;
 - b. assistant administrators;
 - c. associate administrators;
 - d. general counsel;
 - e. inspector general;
 - f. regional administrators;
 - g. office directors;
 - h. heads of staff offices, Office of the Administrator;
 - i. laboratory directors; and
 - j. deputy regional administrators.
3. **LIMITATIONS.** The Office of Personal Management requires that the determination of exigency delegated above may not be made by any official in the immediate organizational unit affected by the exigency or by any official whose leave would be affected by the determination (5 CFR 630.305).
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to deputy assistant administrators and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated
5. **ADDITIONAL REFERENCES.** None.

1-9. Intergovernmental Personnel Act (IPA) Program

1200 TN 453
07/20/2016

1. **AUTHORITY.** To approve IPA agreements pursuant to the provisions of 5 U.S.C. 3372.
2. **TO WHOM DELEGATED.** The assistant administrator for Administration and Resources Management and the Inspector General.
3. **LIMITATION.** The authority delegated to the assistant administrator for Administration and Resources Management includes all offices except the Office of Inspector General, unless such authority is redelegated by the Inspector General. The authority delegated to the Inspector General is limited to the Office of Inspector General.
4. **REDELEGATION AUTHORITY.**
 - a. The authority delegated to the assistant administrator for Administration and Resources Management is redelegated through the director, Office of Human Resources, and the director, Human Resources Staff for OA/OIA and Executive Resources, to the agency IPA coordinator.
 - b. The officials listed below are redelegated authority, through the director, Office of Human Resources, to approve initial agreements or extensions of two years or less, involving non-SES assignments, for their respective offices, for which EPA pays 30 percent or less of the assignee's salary:
 1. to the Chief of Staff/Deputy Chief of Staff;
 2. to the assistant and associate administrators;
 3. to the General Counsel;
 4. to the regional administrators; and
 5. to the directors, Office of Administration and Resources Management, Cincinnati and RTP.
 - c. This authority may be redelegated to deputy assistant administrators and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.

1-9. Intergovernmental Personnel Act (IPA) Program

1200 TN 453
07/20/2016

1. **AUTHORITY.** To approve IPA agreements pursuant to the provisions of 5 U.S.C. 3372.
2. **TO WHOM DELEGATED.** The assistant administrator for Administration and Resources Management and the Inspector General.
3. **LIMITATION.** The authority delegated to the assistant administrator for Administration and Resources Management includes all offices except the Office of Inspector General, unless such authority is redelegated by the Inspector General. The authority delegated to the Inspector General is limited to the Office of Inspector General.
4. **REDELEGATION AUTHORITY.**
 - a. The authority delegated to the assistant administrator for Administration and Resources Management is redelegated through the director, Office of Human Resources, and the director, Human Resources Staff for OA/OIA and Executive Resources, to the agency IPA coordinator.
 - b. The officials listed below are redelegated authority, through the director, Office of Human Resources, to approve initial agreements or extensions of two years or less, involving non-SES assignments, for their respective offices, for which EPA pays 30 percent or less of the assignee's salary:
 1. to the Chief of Staff/Deputy Chief of Staff;
 2. to the assistant and associate administrators;
 3. to the General Counsel;
 4. to the regional administrators; and
 5. to the directors, Office of Administration and Resources Management, Cincinnati and RTP.
 - c. This authority may be redelegated to deputy assistant administrators and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.

GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS

1-6-B. Personnel Security

1. AUTHORITY. To make determinations and take appropriate actions required by law, Executive Orders, or regulations with regard to personnel security programs.
2. TO WHOM DELEGATED. The Assistant Administrator for Administration and Resources Management.
3. LIMITATIONS. None.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level, or equivalent, and may not be redelegated further.
5. ADDITIONAL REFERENCES. None.

1-6A. National Security Information

1200 TN 563
07/20/2016

1. **AUTHORITY.** To take appropriate actions required by law, Executive Orders, and regulations with regard to national security information programs, including the oversight and physical protection of classified information, Agency equipment, buildings, and personnel.
2. **TO WHOM DELEGATED.** The assistant administrator for Administration and Resources Management.
3. **LIMITATIONS.**

a. The authority to provide protective security measures for the Administrator while traveling in and around the Washington, DC area, on domestic travel, or on international travel is reserved to the Inspector General, in accordance with Section 9(a)(1) of the Inspector General Act of 1978, as amended, 5 U.S.C. app., except to the extent the Inspector General delegates this authority to the Agency. Also reserved is the September 27, 2001, temporary amendment to the delegation which redelegated this security function for the Administrator and Deputy Administrator to the director of the Office of Criminal Enforcement, Forensics and Training.

b. The authority to set policy and maintain a program for security of information, information systems, and information technology not related to NSI, is reserved to the Chief Information Officer, as provided in Delegation 1-84, Information Resources Management.

4. REDELEGATION AUTHORITY.

a. This authority is redelegated through the director, Office of Administration, to the director, Security Management Division, and may be redelegated to the branch chief level or to other EPA offices and divisions as appropriate.

b. Specific authority to acquire guard services, security equipment, systems, safes and other devices for facilities within their respective areas of responsibility is redelegated from the director, Security Management Division, through the regional administrators to the assistant regional administrators, and may not be redelegated further. This authority is also redelegated to the assistant administrator for Air and Radiation; the assistant administrator for Research and Development; the assistant administrator for Chemical Safety and Pollution Prevention; the assistant administrator for Enforcement and Compliance Assurance; the assistant administrator for the Office of Water; the Inspector General; and the directors, OARM, Cincinnati and RTP, and may be redelegated to deputy assistant administrators, and may not be redelegated further.

b. The authority to purchase secure telephone equipment and facsimile machines is redelegated to the assistant administrator, Office of Land and Emergency Management and may be redelegated to the division director level, as needed.

c. The authority to purchase and install secure telecommunications is redelegated to the assistant administrator, Office of Environmental Information, and may be redelegated to the division director level, as needed.

d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1-4B. Real Property and Space

1200 TN 505

07/27/2007

1. AUTHORITY.

- a. To assign, utilize, and manage space in government-owned or leased buildings and land or any portion thereof in accordance with the Federal Property and Administrative Services Act of 1949 and the Federal Management Regulation, 41 CFR Chapter 102.
- b. To acquire, manage, and/or dispose of real property and interests therein in accordance with applicable laws and regulations.
- c. To make determinations and authorize expenditures from the Building and Facilities budget.
- d. To select, appoint, and terminate appointments of lease contracting officers.

2. TO WHOM DELEGATED.

The Assistant Administrator for Administration and Resources Management.

3. LIMITATIONS

- a. In exercising any authorities redelegated by the Director, Real Property Services Staff, Office of Administration in Paragraph 4.b, the exercising official may not be the same as the authorizing official under Delegation 14-30.
- b. Individuals exercising leasing authority that is redelegated by the Director, RPSS, OA, under Paragraph 4.b.i. must be adequately trained as lease contracting officers

4. TO WHOM REDELEGATED.

- a. The authority contained in 1.a is redelegated to the Director, OA who may redelegate as follows:
 - i. In writing to the Director, RPSS and no further.
 - ii. In writing to the Assistant Administrators, Regional Administrators, and the Chief of Staff for the Office of the Administrator on a site or situation specific basis for the daily operation and maintenance of EPA facilities under their responsibility. The Assistant Administrators, Regional Administrators, and the Chief of Staff may further redelegate their authority to the Section Chief, or equivalent, responsible for real property management. This authority may not be redelegated further.

- b. The authority contained in 1.b is redelegated to Director, OA to:
 - i. In writing to the Director, RPSS and no further.
 - ii. In writing to the Assistant Administrators, Regional Administrators, and the Chief of Staff on a site or situation specific basis for facilities or programs under their responsibility. The Assistant Administrators, Regional Administrators, and the Chief of Staff may further redelegate their authority to the Branch Chief level and no further. This redelegation refers primarily but not exclusively to the authority contained in Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act to acquire and transfer real property in connection with the remediation of a National Priority List Superfund site.
- c. The authority in 1.c is redelegated to the Director, RPSS, and no further.
- d. The authority in 1.d. is redelegated to the Director, RPSS and no further.

5. ADDITIONAL REFERENCES.

- a. EPA Delegation 14-30, Acquisition of Real Property.



Delegation of Authority

1-4B. Real Property and Space

1200 TN 505
07/27/2007

1. AUTHORITY.

- a. To assign, utilize, and manage space in government-owned or leased buildings and land or any portion thereof in accordance with the Federal Property and Administrative Services Act of 1949 and the Federal Management Regulation, 41 CFR Chapter 102.
- b. To acquire, manage, and/or dispose of real property and interests therein in accordance with applicable laws and regulations.
- c. To make determinations and authorize expenditures from the Building and Facilities budget.
- d. To select, appoint, and terminate appointments of lease contracting officers.

2. TO WHOM DELEGATED.

The Assistant Administrator for Administration and Resources Management.

3. LIMITATIONS

- a. In exercising any authorities redelegated by the Director, Real Property Services Staff, Office of Administration in Paragraph 4.b, the exercising official may not be the same as the authorizing official under Delegation 14-30.
- b. Individuals exercising leasing authority that is redelegated by the Director, RPSS, OA, under Paragraph 4.b.i. must be adequately trained as lease contracting officers

4. TO WHOM REDELEGATED.

- a. The authority contained in 1.a is redelegated to the Director, OA who may redelegate as follows:
 - i. In writing to the Director, RPSS and no further.
 - ii. In writing to the Assistant Administrators, Regional Administrators, and the Chief of Staff for the Office of the Administrator on a site or situation specific basis for the daily operation and maintenance of EPA facilities under their responsibility. The Assistant Administrators, Regional Administrators, and the Chief of Staff may further redelegate their authority to the Section Chief, or equivalent, responsible for real property management. This authority may not be redelegated further.

- b. The authority contained in 1.b is redelegated to Director, OA to:
 - i. In writing to the Director, RPSS and no further.
 - ii. In writing to the Assistant Administrators, Regional Administrators, and the Chief of Staff on a site or situation specific basis for facilities or programs under their responsibility. The Assistant Administrators, Regional Administrators, and the Chief of Staff may further redelegate their authority to the Branch Chief level and no further. This redelegation refers primarily but not exclusively to the authority contained in Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act to acquire and transfer real property in connection with the remediation of a National Priority List Superfund site.
- c. The authority in 1.c is redelegated to the Director, RPSS, and no further.
- d. The authority in 1.d. is redelegated to the Director, RPSS and no further.

5. ADDITIONAL REFERENCES.

- a. EPA Delegation 14-30, Acquisition of Real Property.



Delegation of Authority

1200 TN 350

5/11/94

1-4A. Personal Property and Government-owned Vehicles

1. AUTHORITY.

- a. To make determinations and grant exemptions required by law or regulation regarding personal property management in accordance with the Federal Property and Administrative Services Act of 1949 40 U.S.C. 471 et sec., and the federal Property Management Regulations, 41 CFR Chapter 101.
- b. To declare excess or surplus Government personal property which is under the control of EPA and not required for Agency use and to sell personal property under the conditions described in the Federal Property Management Regulations, 41 CFR 101-45.1053.
- c. To make determinations required by law or regulation regarding the use or transfer of Government-owned vehicles.
- d. To exempt Government-owned motor vehicles from conspicuous U.S. Government identification.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a-1.c are delegated to the Assistant Administrator for Administration and Resources Management.
- b. The authority in 1.d. is delegated to the Inspector General and the Assistant Administrator for Enforcement and Compliance Assurance, respectively, for employees within their offices.

3. LIMITATIONS.

- a. For other than OIG and OECA employees, authority to exempt U.S. Government-owned motor vehicles for conspicuous U.S. Government identification is reserved to the Administrator.

- b. Authorities redelegated to positions described in paragraph 4 apply to all Agency activities within their respective Regions, complexes or other assigned areas (see EPA Order 1000.5C). These authorities shall be exercised in accordance with policy issuances of the Office of Administration and Resources Management.
- c. EPA travelers on official travel status must follow the EPA travel regulations contained in Resources Management Directive System (RMDS), Chapter 2550B-EPA Travel Manual.
- d. Notification of acquisitions or disposal under 4.f.1. and 4.f.2. below must be made to the Director, Facilities Management and Services Division, and those acquisitions and disposal must be consistent with the language of relevant appropriations bills.

4. REDELEGATION AUTHORITY.

- a. These authorities in 1.a - 1.c above are redelegated through the Director, Office of Administration, except as limited by subparagraphs 4.e, 4.f, and 4. g below to the:
 - i. Regional Administrators;
 - ii. Director, Facilities Management and Services Division;
 - iii. Directors of Administration and Resources Management, Cincinnati and Research Triangle Park;
 - iv. Director, Environmental Monitoring Systems Laboratory, Las Vegas;
 - v. Director, Environmental Research Laboratory, Corvallis;
 - vi. Director, Robert S. Kerr Environmental Research Laboratory, Ada;
 - vii. Director, Office of Criminal Enforcement, Forensics and Training;
 - viii. Director, Motor Vehicles Emissions Laboratory, Ann Arbor;
 - ix. Director, Environmental Research Laboratory, Narragansett;
 - x. Director, Environmental Research Laboratory, Gulf Breeze;
 - xi. Director, Environmental Research Laboratory, Athens; and
 - xii. Director, Environmental Research Laboratory, Duluth.

- b. The authorities redelegated in 4.a (i) above may be redelegated to the Assistant Regional Administrators, and may be further redelegated to the Branch Chief level.
- c. The authorities redelegated in 4.a (ii) - 4.a (xii) above may be further redelegated to the Branch Chief level.
- d. The authority in 1.c above is also redelegated to the Inspector General and may be further redelegated to the Assistant Inspector General for Investigations.
- e. The following authorities are redelegated through the Director, Office of Administration, to the Director, Facilities Management and Services Division, and may be redelegated to the Branch Chief level:
 - i. to authorize the disposal or donation of excess property in foreign countries; and
 - ii. to approve requisitions for commercial U-drive credit cards;
- f. The following authorities are redelegated through the Director, Office of Administration, and the Director, Facilities Management and Services Division, to the Regional Administrators and may be redelegated through the Assistant Regional Administrators to the Branch Chief level subject to Limitation 3.d. above:
 - i. to authorize the acquisition or disposal of watercraft; and
 - ii. to authorize the acquisition or disposal of aircraft, including fixed wing aircraft, helicopters and seaplanes.
- g. Authority to approve requisitions for the acquisitions of passenger carrying vehicles and light duty trucks either by purchase, hire or commercial lease for a period of 60 or more consecutive days, and to certify the Agency's fleet average fuel economy is redelegated through the Director, Office of Administration to the Director, Facilities Management and Services Division. This authority may be redelegated through the Regional Administrators to the Assistant Regional Administrators.
- h. Authority 1.d may not be redelegated further.

5. ADDITIONAL REFERENCES

- a. Property Management Regulations 3-06, pp. 1-2.
- b. 31 U.S.C. 1343.

2-11. Waste Loads

1200 TN 103

7/25/84

Administrative Update 06/07/2017

1. **AUTHORITY.** To approve waters identified and loads established or to identify waters and establish loads pursuant to the Clean Water Act, Section 303(d).
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.

2-2. Operator Training Grants

1200 TN 216

1/25/90

Administrative Update 10/25/2016

1. **AUTHORITY.** To approve grants or cooperative agreements for training personnel of existing and future treatment works and related activities pursuant to Section 104(g)(1) of the Clean Water Act.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Water.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 104(g)(1) of the Clean Water act and regulations developed thereunder.

1-97. Admission of State, Local, and Tribal Government Employees to Agency Training and Waiver of Reimbursement of Costs of Training

1200 TN 394

4/26/95

Administrative Update 08/29/2016

1. **AUTHORITY.** To include State, local and Tribal government employees in EPA training programs and to waive the reimbursement of costs of the training by the state, local or Tribal government, pursuant to the provisions of 42 U.S.C. 4742.

2. **TO WHOM DELEGATED.** The Assistant Administrator for Administration and Resources Management.

3. **LIMITATIONS.** None.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to:
 - i. Assistant and Associate Administrators;
 - ii. the General Counsel;
 - iii. Regional Administrators;
 - iv. Staff Office Directors;
 - v. Director, Office of Human Resources;
 - vi. the Directors, Office of Administration and Resources Management, Cincinnati and RTP; and
 - vii. the Director, EPA University Division.

This authority may be redelegated to the Division Director level and no further.

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 505

04/07/2000

1-96. National and Community Service Grants and Cooperative Agreements under the National and Community Service Trust Act of 1993

1. **AUTHORITY.** To apply for and accept assistance from the Corporation for National and Community Service and to approve grants and cooperative agreements for national service programs to be carried out by a State, a subdivision of a State, an Indian tribe, a public or private nonprofit organization, an institution of higher education, or a Federal agency, pursuant to Section 123 and 121(b)(4) of the National and Community Service Act of 1990, as amended (42 U.S.C. 12571(b)(4)).
2. **TO WHOM DELEGATED.** The Associate Administrator for Policy (OP).
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director level, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.**
 - a. National and Community Service Trust Act of 1993, P.L. 103-82, and 45 CFR Part 2510 et seq. (59 Fed. Reg. 13772, March 23, 1994).
 - b. Federal Grant and Cooperative Agreement Act of 1977, P.L. 95-224 (31 U.S.C. 6301 et seq.) and EPA Order 5700.1, Policy for Distinguishing Between Assistance and Acquisition.
 - c. 40 CFR Parts 30, 31, 32, 34, and 45.
 - d. EPA's Assistance Administration Manual.
 - e. Delegation 1-14, Assistance Agreements, which gives the authority to execute grants and cooperative agreements to the Director, Grants Administration Division, with further delegation authorized to the Branch Chief level.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 29 2005

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

MEMORANDUM

SUBJECT: Proposed New EPA Delegation of Authority 1-89, *Funds-In Agreements for the Provision of Services to Foreign Countries, International Organizations, and the American Institute in Taiwan* - DECISION MEMORANDUM

FROM: Luis A. Luna
Assistant Administrator

TO: Stephen L. Johnson
Administrator

ISSUE

The Office of International Affairs (OIA) is proposing to redelegate authority from the Assistant Administrator, Office of International Affairs to the Deputy Assistant Administrator and/or Senior Resources Official.

BACKGROUND

The senior managers in OIA collaborated among each other to discuss the merits and feasibility of redelegating authority from the Assistant Administrator, Office of International Affairs to the Deputy Assistant Administrator and/or Senior Resources Official. They determined that the best business practice was to maximize the ability of the Deputy Assistant Administrator and/or Senior Resources Official to enter into interagency agreements between EPA and other Federal agencies, State or local governments or foreign governments. OIA management believes this redelegation supports the Agency's goal of strengthening management and fiduciary standards in the oversight of interagency agreements. In addition, this revision will improve continuity of OIA services and provide a more expeditious processing of these types of actions.

REVIEW AND ANALYSIS

The proposed new delegation was circulated through the Agency's Directives Clearance Review process to all Headquarters offices and the ten Regions in October 2004. Regions 2 and 3 submitted advisory comments which were editorial in nature. All other Headquarters Offices and Regions either did not respond or responded with no comment.

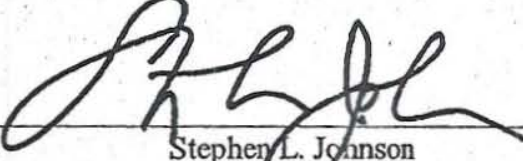
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RECOMMENDATION

We recommend that you approve the proposed new EPA Delegation 1-89, Funds-In Agreements for the Provision of Services to Foreign Countries, International Organizations, and the American Institute in Taiwan, by signing below.

Approved: _____


Stephen L. Johnson
Administrator

DEC 13 2005

Date: _____

Attachments

- TAB A: Proposed New EPA Delegation 1-89, Funds-In Agreements for the Provision of Services to Foreign Countries, International Organizations, and the American Institute in Taiwan
- TAB B: DCR Summary Matrix Form
- TAB C: OIA Request

GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS

1-89. Funds-In Agreements for the Provision of Services to Foreign Countries, International Organizations, and the American Institute in Taiwan

1. AUTHORITY.

- a. To approve funds-in agreements with friendly countries, international organizations, and certain non-governmental organizations registered with and approved by the U.S. Agency for International Development, pursuant to section 607(a) of the Foreign Assistance Act of 1961, as amended (FAA), 22 U.S.C. section 2357(a). These agreements are in connection with the provision of services or commodities by EPA on an advance-of-funds or reimbursement basis.
- b. To approve funds-in agreements with the American Institute in Taiwan (AIT) in connection with the provision of services by EPA to AIT, pursuant to the Taiwan Relations Act of 1979, as amended, 22 U.S.C. sections 3301-3316.
- c. To approve funds-in agreements with foreign countries under statutes such as section 902 of the Smith-Mundt Act, 22 U.S.C. section 1479, to provide funds, property, or services in return for EPA services (e.g., personnel assignments).
- d. To enter into (execute) funds-in agreements between EPA and foreign countries, international organizations, certain non-governmental organizations, or AIT as described above.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a., 1.b., and 1.c. are delegated to the Assistant Administrator for International Affairs.
- b. The authority in 1.d. is delegated through the Assistant Administrator for Administration and Resources Management, and the Director, Office of Grants and Debarment, to the Director, Grants Administration Division.

3. LIMITATIONS.

- a. Prior to exercising authorities 1.a., 1.b., and 1.c., the Assistant Administrator for International Affairs or his or her designee must consult with the General Counsel or his or her designee. When exercising the authority in 1.a., the Assistant Administrator for International Affairs or his or her designee must

consult with the General Counsel or his or her designee specifically to decide if a "determination" by the U.S. Trade and Development Agency, in consultation with the Department of State, pursuant to section 607(a) of the FAA and sections 1-102(a) (1), (b), and (g) of Executive Order 12163, Sept. 29, 1979, is required.

- b. Prior to exercising authority 1.c., EPA must obtain any prior approval or delegation of authority from other federal agencies which is required by statute.

4. REDELEGATION AUTHORITY.

- a. Authorities in 1.a., 1.b., and 1.c. may be redelegated to the Deputy Assistant Administrator and/or Senior Resource Official.
- b. Authorities in 1.d. may be redelegated further to the Branch Chief level.

1-88. Implementing Arrangements Under the Agreement Between EPA and the American Institute in Taiwan

1200 TN 330

8/16/93

Administrative Update 11/18/2016

1. **AUTHORITY.** To execute agreements on specific activities (termed "implementing arrangements") under the Agreement between EPA and the American Institute in Taiwan (AIT) for Technical Cooperation in the Field of Environmental Protection, dated June 21, 1993 (the "Agreement"). This authority derives from the Taiwan Relations Act of 1979, as amended, 22 U.S.C. sections 3301-3316, which authorizes agencies of the United States Government to perform services for and to accept funds in payment from AIT, upon such terms as the State Department may direct.
2. **TO WHOM DELEGATED.** The Assistant Administrator for International and Tribal Affairs.
3. **LIMITATION.** Prior to exercising this authority, the Assistant Administrator for International and Tribal Affairs or his or her designee must consult with the General Counsel or his or her designee.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** The statutory authorities for engaging in specific activities pursuant to implementing arrangements under the Agreement include, among others: section 103 of the Clean Air Act; section 104 of the Clean Water Act; section 8001 of RCRA; sections 17 and 20 of FIFRA; and section 10 of TSCA; supplemented, as appropriate, by section 102(2)(F) of NEPA.

1-87. Implementing Arrangements under International Environmental Agreements and Memoranda of Understanding

1200 TN 505

04/07/2000

Administrative Update 11/18/2016

1. **AUTHORITY.** To execute agreements on specific activities (termed "implementing arrangements") under general or framework international environmental agreements or memoranda of understanding that have been executed by the Administrator, as authorized by the Secretary of State or his or her designee pursuant to the Case-Zablocki Act, 1 U.S.C. section 112(b), or otherwise executed by any authorized U.S. Government official pursuant to applicable law.
2. **TO WHOM DELEGATED.** Assistant Administrators, the Chief of Staff for the Office of the Administrator, Associate Administrators, and Regional Administrators.
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, the Assistant Administrator for International Activities or his/her designee must consult with the General Counsel or his/her designee.
 - b. Prior to exercising this authority, all other Assistant Administrators, all Regional Administrators, the Chief of Staff, and all Associate Administrators or their designees must consult with the Assistant Administrator for International and Tribal Affairs or his/her designee, and with the General Counsel or his/her designee.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level, or equivalent level which includes laboratory directors, and may not be redelegated further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** The statutory authorities for engaging in specific activities pursuant to implementing arrangements under international environmental agreements or memoranda of understanding include, among others: Section 103 of the Clean Air Act; section 104 of the Clean Water Act; section 8001 of RCRA; sections 17 and 20 of FIFRA; and section 10 of TSCA; supplemented, as appropriate, by section 102(2)(F) of NEPA.



Delegation of Authority

1200 TN 325

12/12/2011

Administrative Update 09/20/2016

1-86. Grants and Cooperative Agreements Related to Environmental Justice and Equity Activities

1. **AUTHORITY.** To approve grants and cooperative agreements for environmental justice and equity programs and activities under the following statutes.
 - a. Clean Water Act, Section 104(b)(3)
 - b. Safe Drinking Water Act, Section 1442(c)(3)
 - c. Solid Waste Disposal Act, Section 8001(a)
 - d. Clean Air Act, Section 103(b)(3)
 - e. Toxic Substances Control Act, Section 10(a)
 - f. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a)
 - g. Comprehensive Environmental Response, Compensation and Liability Act, Section 311(c)
 - h. Marine Protection, Research and Sanctuaries Act, Section 203
 - i. Section 102(2)(F) of the National Environmental Policy Act (for international activities)
 - j. EPA's Annual Appropriation Acts
2. **TO WHOM DELEGATED.** Chief of Staff and Deputy Chiefs of Staff in the Office of the Administrator, Assistant Administrators, Associate Administrators and Regional Administrators.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Research and Development (ORD) or designee must be consulted on all research-related grants and cooperative agreements to institutions of higher learning. This delegation does not include the authority to approve funding for basic scientific research that falls under the purview of the Environmental Protection Agency's Office of Research and Development or any successor to ORD
 - b. The Assistant Administrator for International and Tribal Affairs (OITA) or designee, must be consulted on all grants and cooperative agreements for international activities.
4. **REDELEGATION AUTHORITY.** The authority of the Assistant Administrators may be redelegated to the Office Director level, or equivalent, and may not be redelegated further. The authority of the Chief of Staff, Deputy Chiefs of Staff, Associate Administrators and Regional Administrators may be redelegated to the Division Director level, or equivalent, and may not be redelegated further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Agency policies and guidance documents on environmental equity.

1-85. Assistance Agreements Funded Under the Building and Facilities Account

1200 TN 316

2/3/93

Administrative Update 11/7/2016

1. **AUTHORITY.** To set appropriate terms and conditions for, to approve, and to monitor as appropriate, assistance agreements funded from the Building and Facilities (B&F) account for the purposes authorized in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Administration and Resources Management.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. This authority is redelegated through the director, Office of Administration, to the director, Real Property Services Staff, and may not be redelegated further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Parts 30, 31, and 33; and the Assistance Administration Manual.
 - b. Authority to execute (sign) the financial assistance agreements is redelegated to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level under Delegation 1-14, Assistance Agreements



Delegation of Authority

1-83. Final Agency Decisions on Formal Complaints of Discrimination Filed Under 29 CFR Part 1614

1200 TN 305
03/25/2011

1. AUTHORITY.

- a. To issue final Agency decisions on complaints of discrimination filed by EPA employees or applicants for employment under 29 CFR Part 1614, as authorized under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*; the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 *et seq.*; the Equal Pay Act, as amended, 29 U.S.C. 791 *et seq.*; Executive Orders 11478 and 12106; and the Equal Employment Opportunity Commission (EEOC) regulations contained in 29 CFR Part 1614.
- b. To issue final Agency decisions on complaints of discrimination based on sexual orientation, status as a parent, marital status, or political affiliation, filed by EPA employees or applicants for employment under the parallel formal complaint process provided under EPA Order 1000.31 A4.

2. TO WHOM DELEGATED.

The Director, Office of Civil Rights, the Environmental Appeals Board, and the General Counsel.

3. LIMITATIONS.

- a. The authority of the Director, Office of Civil Rights, is limited to issuing final Agency decisions on formal complaints of discrimination where the complaints are not against employees or officials of the Office of Civil Rights.
- b. The authority of the Environmental Appeals Board is limited to issuing final Agency decisions on formal complaints where the complaints are against employees or officials of the Office of Civil Rights, except that final Agency decisions involving the acceptance, rejection, cancellation, and withdrawal of a complaint filed against an employee or official of the Office of Civil Rights are to be issued by the General Counsel.
- c. Nothing in this delegation shall preclude the Director, Office of Civil Rights, from referring any complaint to the Administrator, or his/her designee, for

final action when the Director, Office of Civil Rights, determines such referral to be appropriate.

- d. Final decisions on formal complaints against the Office of Inspector General, other than bona fide complaints against the Inspector General individually, shall be processed in accordance with the Memorandum of Understanding between the Inspector General; Director, Office of Human Resources; and Director, Office of Civil Rights. Bona fide complaints against the Inspector General individually shall be processed under the normal procedures of this delegation.

4. REDELEGATION AUTHORITY.

- a. The authority in paragraph 1, above, may be redelegated by the Director, Office of Civil Rights, to the Deputy Director, Office of Civil Rights.
- b. In those instances under paragraph 1, above, as limited by paragraph 3. b., above, where the authority has been delegated to the Environmental Appeals Board, the Board may redelegate such authority to individual Environmental Appeals Judges.
- c. In those instances under paragraph 1, above, as limited by paragraph 3. b., above, where the authority has been delegated to the General Counsel, the General Counsel may redelegate such authority to the Assistant General Counsel level.



Delegation of Authority

1200 TN 505
04/07/2000

1-80. Executive Order 12778

1. **AUTHORITY.** To implement the requirements of Executive Order 12778, "Civil Justice Reform," to promote just and efficient civil litigation and administrative adjudications and the development of proposed legislation and regulations which do not unduly burden the Federal court system.
2. **TO WHOM DELEGATED.**
 - a. The General Counsel is delegated the authority to serve as the Agency Coordinator for implementation of the Executive Order and to carry out: Section 1 with respect to any civil action other than an enforcement action, including the designation of a sanctions officer under Section 1(f); Section 2(a) (1) with respect to regulations; Section 2(a)(2) and (3), (b) and (c); and there view of one-way fee provisions under Section 2(d).
 - b. The Assistant Administrator for Enforcement and Compliance Assurance (OECA) is delegated the authority to implement the requirements of Section 1 of the Executive Order with respect to any civil enforcement action, including the designation of a sanctions officer under Section 1(f).
 - c. The Associate Administrator for Policy (OP) delegated the authority to develop and perform cost-benefit analysis under Section 2(d) of the Executive Order.
 - d. The Associate Administrator for Congressional and Intergovernmental Relations is delegated the authority to implement the requirements of the Executive Order in Section 2(a)(1) for proposed legislation and to make recommendations on one-way fee provisions under Section 2(d).
 - e. The Administrative Law Judges are delegated the authority to implement, as appropriate, the requirement in Section 3 of the Executive Order. The Environmental Appeals Board is delegated the authority to implement the requirement in Section 3 of the Executive Order to the extent applicable.

- f. The authority delegated in paragraphs 2.a, 2.b and 2.e includes the authority to issue guidelines pursuant to Section 4(b) of the Executive Order.
- g. The authority delegated in paragraphs 2.c and 2.d includes the authority to issue operating procedures and guidance.

3. **LIMITATIONS.**

- a. The authority delegated for Sections 1 and 3 of the Executive Order must be exercised consistent with implementing guidelines issued by the Attorney General under Sections 4(b) and 7(d) of the Executive Order.
- b. To ensure consistency with the Executive Order and guidelines issued by the Attorney General, the concurrence of the General Counsel must be obtained prior to the issuance of any internal guidelines by the Assistant Administrator for Enforcement and Compliance Assurance or any operating procedures and guidance by the Associate Administrator for Policy, or the Associate Administrator for Congressional and Intergovernmental Relations.

4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Associate General Counsel level in the Office of the General Counsel; the Office Director level in the Office of Policy; the Division Director level in the Office of Congressional and Intergovernmental Relations; and the Office Director and Regional Counsel levels in the Office of Enforcement and Compliance Assurance. The Administrative Law Judges and the Environmental Appeals Board may not redelegate this authority further.

5. **ADDITIONAL REFERENCES.** Applicable guidance of the Department of Justice, including the "Memorandum of Preliminary Guidance on Implementation of the Litigation Reforms of Executive Order No.12778," January 30, 1992 (57 Fed. Reg. 3640)



Delegation of Authority

1-79. Funding for the National Environmental Education and Training Foundation

**1200 TN 461
01/31/2008**

1. AUTHORITY.

- a. To determine that funds requested by the National Environmental Education and Training Foundation under Section 11(c) of the National Environmental Education Act (NEEA), P.L. 101-619, will be used to carry out the statutory purposes of the Foundation in a manner consistent with the goals, objectives, and programs of the Act;
- b. To approve the funding and transfer of matching funds under Section 11(c); and
- c. To obligate matching funds under Section 11(c).

2. TO WHOM DELEGATED.

- a. The authorities in 1a and 1b above are delegated to the Associate Administrator for External Affairs and Environmental Education.
- b. The authority in 1c above is delegated to EPA's Chief Financial Officer.

3. REDELEGATION AUTHORITY.

- a. The authorities delegated in 2a above may be delegated to the Director of the Office of Environmental Education and may not be redelegated further.
- b. The authority delegated in 2b may be redelegated to the Division Director level and may not be redelegated further.

4. ADDITIONAL REFERENCES. Memorandum of Understanding, dated April 20, 1992, between the U.S. Environmental Protection Agency and the National Environmental Education and Training Foundation, Inc.



Delegation of Authority

1200 TN 443

06/14/2010

Administrative Update 06/26/2016

1-76 Assistance Agreements for Environmental Finance Projects

1. **AUTHORITY.** To the extent authorized, to approve single media and multimedia grants or cooperative agreements for the initiation, support, or expansion of Environmental Finance projects under the following statutes:
 - a. Clean Water Act, Section 104(b)(3);
 - b. Safe Drinking Water Act, Section 1442(c)(3) and Section 1420(g);
 - c. Solid Waste Disposal Act, Section 8001 (a);
 - d. Clean Air Act, Section 103(b)(3);
 - e. Toxic Substances Control Act, Section 10;
 - f. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20;
 - g. Comprehensive Environmental Response, Compensation and Liability Act, Section 311(c) and;
 - h. Marine Protection, Research and Sanctuaries Act, Section 203.
2. **TO WHOM DELEGATED.** The assistant administrator, Office of Water, and regional administrators.
3. **LIMITATIONS.**
 - a. The authority delegated to the AA OW and the regional administrators does not include research within the purview of the Office of Research and Development.
 - b. This authority is limited to approving financial assistance agreements for projects that facilitate financing of environmental programs and infrastructure investments. It does not include the authority to approve funding for basic scientific research that falls under the purview of EPA's Office of Research and Development or any successor to ORD.
4. **REDELEGATION AUTHORITY.**
 - a. In Headquarters, the authority of the AA OW may be redelegated to the director, Office of Wastewater Management who may redelegate the authority to the division director, OWM or equivalent, but no further.

- b. In the regions, the authority of the regional administrators may be redelegated to the branch chiefs or equivalent, but no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 443

06/14/2010

1-76 Assistance Agreements for Environmental Finance Projects

1. **AUTHORITY.** To the extent authorized, to approve single media and multimedia grants or cooperative agreements for the initiation, support, or expansion of Environmental Finance projects under the following statutes:
 - a. Clean Water Act, Section 104(b)(3);
 - b. Safe Drinking Water Act, Section 1442(b)(3) and Section 1420(g);
 - c. Solid Waste Disposal Act, Section 8001 (a);
 - d. Clean Air Act, Section 103(b)(3);
 - e. Toxic Substances Control Act, Section 10;
 - f. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20;
 - g. Comprehensive Environmental Response, Compensation and Liability Act, Section 311(c) and;
 - h. Marine Protection, Research and Sanctuaries Act, Section 203.
2. **TO WHOM DELEGATED.** The Chief Financial Officer (CFO) and Regional Administrators.
3. **LIMITATIONS.**
 - a. The authority delegated to the Chief Financial Officer and the Regional Administrators does not include research within the purview of the Office of Research and Development.
 - b. This authority is limited to approving financial assistance agreements for projects that facilitate financing of environmental programs and infrastructure investments. It does not include the authority to approve funding for basic scientific research that falls under the purview of EPA's Office of Research and Development or any successor to ORD.
4. **REDELEGATION AUTHORITY.** In Headquarters, the authority of the Chief Financial Officer may be redelegated to Staff Office Director, Center for Environmental Finance, Office of the Chief Financial Officer but no further. In the Regions, the authority of the Regional Administrators may be redelegated to the Branch Chiefs or equivalent, but no further.



Delegation of Authority

1-75. Grants and Cooperative Agreements for Studies, Investigations, and Surveys Related to Environmental Education and Public Affairs

1200 TN 461
01/31/2008

1. **AUTHORITY.** To approve multimedia grants and cooperative agreements to public and private agencies, organizations, and institutions; to colleges, universities, and other institutions of higher education; and to private persons and individuals, where the above entities are authorized under the Acts and Sections listed below, for special studies, investigations, and surveys for the purpose of environmental education, to include the National Network for Environmental Management Studies (NNEMS), and for public affairs as collectively authorized under the following Acts and Sections:
 - a. Clean Water Act, Section 104;
 - b. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20;
 - c. Clean Air Act, Section 103;
 - d. Solid Waste Disposal Act, Section 8001;
 - e. Marine Protection, Research, and Sanctuaries Act, Section 203;
 - f. Comprehensive Environmental Response, Compensation, and Liability Act, Section 311;
 - g. Safe Drinking Water Act, Section 1442; and
 - h. Toxic Substances Control Act, Section 10.
2. **TO WHOM DELEGATED.** The Associate Administrator for External Affairs and Environmental Education and the Regional Administrators.
3. **LIMITATIONS.**
 - a. This authority is limited to multi-statute grants and cooperative agreements. Single-statute grants and cooperative agreements are not authorized under this delegation, but may be available to these and other delegates in other statute-specific delegations.
 - b. In approving grants and cooperative agreements, the delegates and their redelegates shall consult with the relevant Headquarters or Regional media office as appropriate to assure the quality of technical and program information.

c. The authority to approve grants to the National Network for Environmental Management Studies (NNEMS) is limited to the Associate Administrator for External Affairs and Environmental Education and his/her redelegatees.

d. Proposed grants and cooperative agreements involving profit-making organizations require the concurrence of the General Counsel, or his/her designee.

4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Director of the Office of Environmental Education and to the Division Director level or equivalent, and may not be redelegated further.

5. **ADDITIONAL REFERENCES.**

a. 40 CFR Parts 30, 31, and 33; and

b. Delegation 1-14, "Assistance Agreements," which gives the authority to execute Headquarters grants and cooperative agreements to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level and to Associate Grants Management Officers. In the regions, the authority is redelegated to Regional Administrators and to Grants Management Officers.



Delegation of Authority

1-74.

**Environmental Education Grants and Cooperative Agreements under
Section 5 and Section 6 of the National Environmental Education Act of
1990**

**1200 TN 461
3/25/1998**

1. AUTHORITY.

- a. To approve grants and cooperative agreements for the purpose of operating the environmental education and training program pursuant to Section 5 of the National Environmental Education Act, P.L. 101-619.
- b. To approve environmental education grants pursuant to Section 6 of the Act.
- c. To waive the requirement for a non-Federal share of a proposed project where it is determined that the proposed project merits support and cannot be undertaken without a higher rate of Federal support, pursuant to Section 6 of the Act.

2. TO WHOM DELEGATED.

- a. Authorities 1a, 1b, and 1c are delegated to the Associate Administrator for External Affairs and Environmental Education.
- b. Authorities 1b and 1c are also delegated to the Regional Administrators and the Assistant Administrator for Research and Development in accordance with the limitations specified below in 3b(i) and(ii).

3. LIMITATIONS.

- a. Approval for awards must comply with criteria and stipulations within the National Environmental Education Act; applicable program- specific regulations; and guidance issued.
- b. The authority delegated to the Regional Administrators and the Assistant Administrator for Research and Development is limited to:
 - i. Grants of 50,000 or less unless the concurrence of the Associate Administrator for External Affairs and Environmental Education is obtained.
 - ii. Issuance of grants for projects within their area of responsibility or jurisdiction.

4. REDELEGATION AUTHORITY.

- a. The authorities delegated to the Associate Administrator for External Affairs and Environmental Education may be redelegated to the Director of the Office of Environmental Education (OEE) and may not be redelegated further.
- b. The authority delegated to the Regional Administrators and the Assistant Administrator for Research and Development may be redelegated to the Office, Division, or Lab Directors responsible for environmental education and may not be redelegated further.

5. ADDITIONAL REFERENCES. 40 CFR Parts 30, 31, and 47.



Delegation of Authority

1-71. Indian Tribes: General Assistance Grants for Environmental Protection Programs

1200 TN 530
08/02/2001

1. **AUTHORITY.** To approve assistance agreements to federally recognized Indian tribal governments and intertribal consortia for planning, developing, and establishing environmental protection programs and developing and implementing solid and hazardous waste programs for Tribes, as authorized under 42 U.S.C. 4368b, the Indian Environmental General Assistance Program Act of 1992.
2. **TO WHOM DELEGATED.** The Assistant Administrator for International and Tribal Affairs and Regional Administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Director of the American Indian Environmental Office, or equivalent, by the Assistant Administrator for International and Tribal Affairs, or to the Division Director level, or equivalent, by a Regional Administrator and cannot be redelegated any further.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Parts 31 and 35.
 - b. EPA Delegation 1-14, *Assistance Agreements*.
 - c. EPA Order 5700.1, *Policy for Distinguishing between Assistance and Acquisition*.

Delegation of Authority

1-67. Senior Environmental Employment Program

1200 TN 573

12/05/2005

Administrative Update 08/23/2016

1. **AUTHORITY.**

- a. To manage and direct the Senior Environmental Employment (SEE) Program and to approve grants or cooperative agreements to private nonprofit organizations designated by the Secretary of Labor under Title V of the Older Americans Act of 1965, in order to utilize the talents of older Americans in providing technical assistance to Federal, State, and local environmental agencies as authorized by the Environmental Programs Assistance Act of 1984 (U.S.C. 4368a).
- b. To approve, where authorized, interagency agreements and intergovernmental agreements to carry out the Environmental Programs Assistance Act.
- c. To prescribe procedures and set policies for SEE Program interagency agreements, intergovernmental agreements, grants and cooperative agreements.

2. **TO WHOM DELEGATED.** The Assistant Administrator for Administration and Resources Management.

3. **LIMITATIONS.** None.

4. **REDELEGATION AUTHORITY.**

- a. The authorities in paragraphs 1. a., 1. b., and 1. c. are redelegated to the Director, Office of Resources, Operations and Management and may be further redelegated.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. 40 CFR Parts 30 and 31.
- b. EPA Delegation 1-14, *Assistance Agreements*, which delegates the authority to award (sign/execute) grants and cooperative agreements.
- c. EPA Delegation 1-11, *Interagency Agreements*, which delegates the authority to award (sign/execute) interagency agreements.

Delegation of Authority

1-67. Senior Environmental Employment Program

1200 TN 573

12/05/2005

Administrative Update 02/07/2016

1. AUTHORITY.

- a. To manage and direct the Senior Environmental Employment (SEE) Program and to approve grants or cooperative agreements to private nonprofit organizations designated by the Secretary of Labor under Title V of the Older Americans Act of 1965, in order to utilize the talents of older Americans in providing technical assistance to Federal, State, and local environmental agencies as authorized by the Environmental Programs Assistance Act of 1984 (U.S.C. 4368a).
- b. To approve, where authorized, interagency agreements and intergovernmental agreements to carry out the Environmental Programs Assistance Act.
- c. To prescribe procedures and set policies for SEE Program interagency agreements, intergovernmental agreements, grants and cooperative agreements.

2. **TO WHOM DELEGATED.** The Assistant Administrator for Administration and Resources Management.

3. **LIMITATIONS.** None.

4. **REDELEGATION AUTHORITY.**

- a. The authorities in paragraphs 1. a., 1. b., and 1. c. are redelegated to the Director, Office of Policy and Resources Management and may be further redelegated.
- b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of the delegated authority. An official who redelegates authority may revoke such redelegation at any time.

5. **ADDITIONAL REFERENCES.**

- a. 40 CFR Parts 30 and 31.
- b. EPA Delegation 1-14, *Assistance Agreements*, which delegates the authority to award (signexecute) grants and cooperative agreements.
- c. EPA Delegation 1-11, *Interagency Agreements*, which delegates the authority to award (signexecute) interagency agreements.

1-65. Depository Accounts for the Paid Informant Program and Citizen Award Authority

1200 TN 443 1-65

1/22/97

Administrative Update 08/26/2016

1. **AUTHORITY.** To authorize waivers to permit imprest funds to be placed in depository accounts for demand cash withdrawals of approved payments under the Paid Informant Program and the Citizen Award Authority.
2. **TO WHOM DELEGATED.** The chief financial officer.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority is redelegated to the deputy chief financial officer to the controller, and may be further redelegated to the financial management officer, Las Vegas Financial Center, and may not be redelegated further.

An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**
 - a. Chapter 14 Delegation Criminal Enforcement Actions.
 - b. Chapter 1 Delegation 1-64, Paid Informant Program.
 - c. Treasury Fiscal Requirements Manual, ITFM 4-3000, Subsection 3040.60, Depository Accounts.
 - d. 40 CFR Part 303, entitled, Citizens Awards for Information in Criminal Violations under Superfund.



Delegation of Authority

1-63. Grants and Cooperative Agreements Relating to International Activities

1200 TN 400
9/9/2010

1. **AUTHORITY.** To approve grants and cooperative agreements, including, but not limited to training, research, demonstration, development, experiments, surveys, studies, investigations, public education programs, and monitoring aimed at fostering environmental improvements domestically and internationally to public and private agencies, organizations, and institutions; colleges and universities, and other institutions of higher education; and to individuals and to any others; and to approve fellowships; where authorized under any of the following:
 - a. Support for East European Democracy Act, Section 502;
 - b. Statutes that the Agency may be authorized to utilize under interagency agreements with the Agency for International Development or the State Department;
 - c. Clean Air Act, Section 103;
 - d. Clean Water Act, Section 104;
 - e. Solid Waste Disposal Act, Section 8001;
 - f. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20;
 - g. Toxic Substances Control Act, Section 10;
 - h. Marine Protection, Research, and Sanctuaries Act, Section 203; and
 - i. Safe Drinking Water Act, Section 1442(b);

Supplemented, as appropriate, for international awards by the National Environmental Policy Act, Section 102(2)(F).

2. **TO WHOM DELEGATED.** The Assistant Administrator for International and Tribal Affairs and the Regional Administrators.

3. LIMITATIONS.

- a. Approval of grants and cooperative agreements funded with the research and development appropriation is limited to the Assistant Administrator for Research and Development or his/her designee.
- b. The delegated authority for research and development is limited to activities directly contributing to the implementation of the mission of the office and consistent with congressionally approved budget requests.
- c. Regional Administrators must exercise this authority consistent with 40.C.F.R 1.61

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Office of International and Tribal Affairs Deputy Assistant Administrator and/or Senior Resource Official and, through the Senior Resource Official, to the Director, Office of Management and International Services. This authority may not be redelegated further. Regional Administrators may not redelegate this authority further.

5. ADDITIONAL REFERENCES.

- a. Federal Grant and Cooperative Agreement Act of 1977
- b. Applicable EPA and OMB Regulations governing financial assistance agreements
- c. Provisions of EPA's Assistance Administration Manual or its equivalent providing guidance on international financial assistance agreements
- d. Delegation 1-14-A, Assistance Agreements, dated 10/11/2006 or a successor delegation

1-56. Emergency Preparedness

1200 TN 198

2/7/89

Administrative Update 10/20/2016

1. **AUTHORITY.** To act as the Agency Emergency Coordinator; to take appropriate action required by law, Executive Orders or regulations to assure a fully orchestrated agency response to deal with all emergency situations; and to assure coordination and cooperation among all administrative and program offices for all emergency incidents involving natural, technological or radiological disasters and national security emergency events.
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Land and Emergency Management.
3. **LIMITATION.** This delegation does not supplant the response authorities the agency has under existing federal plans such as the National Oil and Hazardous Substances Pollution Contingency Plan, the National Response Framework, or other federal emergency preparedness plans involving national security emergency events.
4. **REDELEGATION AUTHORITY.** This authority is redelegated to the director, Office of Emergency Management and may not be redelegated. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **Additional References.**
 - a. OSWER Directive #9011.30. Establishment of the National Incident Coordination Team (NICT), dated May 31, 1988.
 - b. EPA Order 2072, Response Support Corps, dated August 4, 2012.
 - c. National Response Framework, third edition, dated June 2016, including the Emergency Support Function Annexes, and the supporting Response Federal Interagency Operational Plan, dated July 2014, including the Incident Annexes
 - d. 40 CFR Part 300, National Oil and Hazardous Substances Pollution Contingency Plan (NCP).
 - e. EO 11921, Emergency Preparedness Function as amended, dated June 11, 1976.
 - f. EO 12148, Federal Emergency Management, as amended, dated July 20, 1979.
 - g. Federal Continuity Directive 1, Federal Executive Branch National Continuity Program and Requirements, dated October 2012.
 - h. EO 12656, Assignment of Emergency Preparedness Responsibilities, as amended, dated November 18, 1988.
 - i. EPA Order 2040.1 A1 National Security Emergency Preparedness Policy, dated February 6 2001.

- j. Homeland Security Presidential Directive (HSPD)-3, Homeland Security Advisory System, dated March 11, 2002.
- k. HSPD-5, Management of Domestic Incidents, dated February 28, 2003.
- l. HSPD-10, Biodefense for the 21st Century, dated April 28, 2004.
- m. HSPD-22, Domestic Chemical Defense, dated December 2007.
- n. Presidential Policy Directive (PPD)-8, National Preparedness, dated March 30, 2011.
- o. PPD-40, National Continuity Policy, dated July 15, 2016.

1-55. FTTA Cooperative Agreements and Licensing

1200 TN 413

07/20/2016

1. **AUTHORITY.** Pursuant to PL 96-480, the Stevenson-Wydler Technology Innovation Act, as amended by PL 99-502, the Federal Technology Transfer Act of 1986 (FTTA), Section 11 (15 U.S.C. § 3710a), as amended; 35 U.S.C. § 207; Executive Order 12591; and 37 C.F.R. Part 404.
 - a. To execute, on behalf of EPA, FTTA Cooperative Research and Development Agreements (CRADAs), entered into under the authority of 15 U.S.C. § 3710a, which authorize EPA to furnish non-financial assistance for the purpose of moving knowledge and know-how from Federal agencies to the marketplace. Such agreements may also provide for the granting of licenses and disposition of rights to inventions made under the agreement; and
 - b. To execute licensing agreements under 15 U.S.C. § 3710a and 35 U.S.C. § 207 and in accordance with 37 CFR Part 404 for inventions owned by EPA on behalf of the U.S. government, whether made during the course of an FTTA CRADA or made outside such an agreement.
2. **TO WHOM DELEGATED.**
 - a. Deputy Administrator;
 - b. assistant administrators;
 - c. associate administrators;
 - d. general counsel;
 - e. inspector general;
 - f. regional administrators;
 - g. all EPA office directors;
 - h. directors, all ORD national laboratories and centers;
 - i. directors, all regional environmental services/science divisions;

- j. director, Office of Radiation and Indoor Environments Laboratory, Las Vegas, NV;
- k. director, Office of Radiation and Indoor Environments, National Air and Radiation Environmental Laboratory Montgomery, AL;
- l. director, Office of Pesticide Programs, Analytical Chemistry Laboratory, Fort Meade, MD;
- m. director, Office of Pesticide Programs, Bay St. Louis, MS;
- n. director, Office of Ground Water and Drinking Water, Technical Support Center, Cincinnati, OH;
- o. director, Office of Enforcement and Compliance Assistance, Office of Criminal Enforcement, National Enforcement Investigation Center, Denver, CO;
- p. director and deputy director, Office of Transportation and Air Quality, National Vehicle Fuel Emissions Laboratory, Ann Arbor, MI;
- q. director, Office of Superfund Remediation and Technology Innovation, Environmental Response Team Center.

3. **LIMITATIONS.**

- a. The authority to execute FTTA CRADAs in paragraph 1 is restricted to research, development or technology transfer efforts consistent with the mission of the implementing unit as specified in the EPA Organization and Functions Manual.
- b. Officials acting under paragraph 1 of this delegation must consult in advance with the Office of Research and Development FTTA Coordinator or designee and the General Counsel or designee at the planning stage. Further, as a final consultation the executing officials must provide each of these parties with a copy of the proposed agreement documents thirty (30) days prior to the date upon which it is to be signed by the EPA executing officials.
- c. Officials acting under this delegation and executing documents in paragraph 1 above must provide the Office of Research and Development FTTA Coordinator or designee with the original final agreement signed by EPA executing official(s) and cooperator(s).

4. REDELEGATION AUTHORITY.

- a. Regional administrators may redelegate the authorities in paragraph 1. above to the division director level.
- b. The director or the deputy director of Transportation and Air Quality, National Vehicle Fuel Emissions Laboratory, Ann Arbor, MI may redelegate the authorities in paragraph 1. above to the division directors in Ann Arbor, MI.
- c. Assistant administrators and general counsel may redelegate the authorities in paragraph 1. above to the deputy assistant administrator's level. The other officials listed in paragraph 2. May not redelegate the above authorities.
- d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. REFERENCES. None

DELEGATIONS MANUAL

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT

3-15. Development, Review, and Revision of Site Management Plans for Ocean Dredged Material Disposal Sites

1. **AUTHORITY.** To develop, review, and revise site management plans for ocean dredged material disposal sites pursuant to Section 102(c)(3) of the Marine Protection, Research, and Sanctuaries Act.
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **REDELEGATION AUTHORITY.** This authority may not be redelegated.
4. **ADDITIONAL REFERENCES.** 40 CFR 228.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT

3-14. General Permits for the Transportation of Materials for the Purpose of Dumping in Ocean Waters

1. AUTHORITY. To issue general permits for the transportation for dumping, or dumping, or both, of specified materials or classes of materials pursuant to the Marine Protection, Research, and Sanctuaries Act, Section 104(c).
2. TO WHOM DELEGATED. Assistant Administrator for Water.
3. LIMITATIONS. None.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level, or equivalent, and may not be redelegated further.
5. ADDITIONAL REFERENCES. 40 CFR 220.3, 220.4.

Delegation of Authority

1200 TN 350 3-1B

05/11/1994

Administrative Update 02/04/2016

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT

3-1B. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements

1. **AUTHORITY.** To represent the Agency in administrative enforcement actions conducted under the Marine Protection, Research, and Sanctuaries Act (MPRSA); to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; and to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.
2. **TO WHOM DELEGATED.** Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.
 - b. The Assistant Administrator for Enforcement and Compliance must consult with the Regional Administrator or his designee and the Assistant Administrator for Water or his designee prior to initiating an appeal.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Sections 104B and 105 of MPRSA; and 40 CFR Part 22.

Delegation of Authority

1200 TN 350 3-1A

05/11/1994

Administrative Update 02/04/2016

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT

3-1A. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements

1. **AUTHORITY.** Pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA), to issue complaints and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. Regional Administrators must consult with the Assistant Administrator for Enforcement and Compliance Assurance or his designee before exercising any of the above authorities. In addition, the Regional Counsel or their designees will conduct all negotiations.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Enforcement and Compliance Assurance must notify any affected Regional Administrators when exercising any of the above authorities. In addition, the Assistant Administrator for Enforcement and Compliance Assurance or his/her designees will conduct all negotiations.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Section 104B and 105 of MPRSA; 40 CFR Part 22.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 23 2015

MEMORANDUM

SUBJECT: Approval of Delegation of Authority 2-107, Enforcement of the Standards for Use or Disposal of Sewage Sludge in All U.S. Environmental Protection Agency Regions

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Mark Hague, Region 7 Administrator

I hereby delegate to the U.S. Environmental Protection Agency's Region 7 administrator, as the national-program manager for the Biosolids Center of Excellence, the authority to conduct inspections, gather information and enforce standards outside the geographic boundaries of Region 7 on behalf of other regions for use or disposal of sewage sludge for various authorities as provided in the delegation.

2-107. Enforcement of the Standards for Use or Disposal of Sewage Sludge in All U.S. Environmental Protection Agency Regions (1200 TN 630)

1. **AUTHORITY.** The authorities as specified in delegations 2-13, 2-14A, 2-14C, 2-22, 2-51, 2-52A, and 2-52B, pursuant to the Clean Water Act, as applied to conducting inspections, information gathering and enforcement of the standards for use or disposal of sewage sludge. These authorities will continue to apply in all EPA regions.
2. **TO WHOM DELEGATED.** In addition to the delegates specified in 2-13, 2-14A, 2-14C, 2-22, 2-51, 2-52A and 2-52B, these authorities are delegated to the Region 7 administrator, as the national-program manager for the Biosolids Center of Excellence, to take action outside the geographic boundary of Region 7 on behalf of other regions.

3. LIMITATIONS.

- a. Any region may refer a biosolids matter to Region 7 for further investigation and/or enforcement; Region 7 may accept or decline the referral.
- b. Before exercising the authorities in paragraph 1 for matters located in whole or in part outside of Region 7, the delegatee in paragraph 2 must consult with the regional administrator or designee of the affected region. A region may elect to waive this limitation, if it so wishes, by notifying Region 7 of such waiver in writing.
- c. Before exercising the authorities in paragraph 1, each regional administrator or designee must consult with Region 7's administrator or designee on any biosolids investigation or enforcement action that he or she is pursuing. Region 7's administrator or designee may elect to waive this requirement, if he or she so wishes, by notifying the affected region of such waiver in writing.

4. REDELEGATION AUTHORITY.

- a. The authorities above may be redelegated to Region 7 personnel in the same manner as set forth for redelegations of authority in 2-13, 2-14A, 2-14C, 2-22, 2-51, 2-52A and 2-52B.
- b. The authorities above may be further redelegated to Region 7 staff attorneys in assigned cases in the same manner as set forth for redelegations of authority in 2-14A, 2-51 and 2-52B to negotiate on behalf of the EPA, represent the agency in administrative and civil judicial enforcement actions and represent the agency in appeals.
- c. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Sections 308, 309(a) and (g) and 405 of the CWA, 33 U.S.C. Sections 1318, 1319(a) and (g) and 1345, as amended.
- b. 40 C.F.R. Part 503.
- c. Office of Enforcement and Compliance Assurance Budget Adjustment Plan – August 2012.
- d. Delegations 2-13, 2-14A, 2-14C, 2-22, 2-51, 2-52A and 2-52B.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 17 2013

MEMORANDUM

SUBJECT: Approval of Temporary Delegation of Authority 2-106 Gulf Coast Ecosystem Restoration Council, Gulf Coast States Act of 2012

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Bob Perciasepe, Deputy Administrator

I hereby delegate authority, as described below, related to the Gulf Coast Ecosystem Restoration Council, Gulf Coast States Act of 2012. This temporary delegation will remain in effect for one year from the date it is signed, unless it is extended or superseded by a subsequent delegation.

**2-106. Gulf Coast Ecosystem Restoration Council, Gulf Coast States Act of 2012.
(1200 TN 624)**

1. AUTHORITY.

To serve as the U. S. Environmental Protection Agency's designated member of the Gulf Coast Ecosystem Restoration Council, established under Clean Water Act Section 311(t)(2) as added by Section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

2. TO WHOM DELEGATED.

The authority is delegated to the Deputy Administrator.

3. LIMITATIONS.

The delegatee or redelegatee will coordinate with the administrators for Regions 4 and 6 when exercising this authority.

4. REDELEGATION.

The authority listed in Section 2 has been delegated to the Deputy Administrator and may be redelegated to only the assistant administrator of the Office of Water and no further. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority. An official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; Pub. L. No. 112-141, Subtitle F, Section 1603, 126 Stat 405 (July 6, 2012).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 17 2013

DEPUTY ADMINISTRATOR

MEMORANDUM

SUBJECT: Redelelegation of Authority 2-106 Gulf Coast Ecosystem Restoration Council, Gulf Coast States Act of 2012

FROM: Bob Perciasepe *Bob Perciasepe*

TO: Nancy K. Stoner, Acting Assistant Administrator
Office of Water

I hereby redelegate the authority under Delegation 2-106, related to the Gulf Coast Ecosystem Restoration Council, Gulf Coast States Act of 2012, to the assistant administrator for the Office of Water. This temporary redelegation will remain in effect for one year from the date it is signed unless it is extended or superseded by a subsequent delegation or redelegation. Any limitations in Delegation 2-106 will apply. This authority may not be further redelegated.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 4 2013

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Request to Establish Delegation of Authority 2-105 to Transfer Funds Between State Revolving Fund Tribal Set-Aside Programs

FROM: Bob Perciasepe, Acting Administrator *Bob Perciasepe*

TO: Regional Administrators

I hereby delegate to the U.S. Environmental Protection Agency's regional administrators the authority to establish Delegation of Authority 2-105 to transfer funds between State Revolving Fund Tribal Set-Aside programs.

**2-105 Transfer Funds Between State Revolving Fund Tribal Set-Aside Programs
(1200 TN 618)**

1. **AUTHORITY.** Pursuant to Public Law 112-74, to approve the transfer of funds between the accounts provided for tribal set-asides appropriated through the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund.
2. **TO WHOM DELEGATED.** Regional administrators.
3. **LIMITATIONS.** In a fiscal year, a regional administrator may:
 - a. Transfer a dollar value of up to 33 percent of the funds provided for the region's Drinking Water Indian Set-Aside account to the region's Clean Water Indian Set-Aside account.
 - b. Transfer a dollar amount up to the dollar amount identified in paragraph *a* of funds provided for the region's Clean Water Indian Set-Aside account to the region's Drinking Water Indian Set-Aside account.
 - c. Starting in FY13, for the first transfer within each region the regional administrator must obtain concurrence of the Office of Water's assistant administrator or designee and thereafter must consult with the Office of Water's assistant administrator or designee exercising this authority.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the division-director level or equivalent in the regions and no further.
- b. This authority may be exercised by any person in the chain of command to the person to whom it has been redelegated. Any redelegation of this authority does not divest the official making the redelegation from the power to exercise this authority.

5. ADDITIONAL REFERENCES.

- a. Section 518(c) of the Clean Water Act.
- b. Section 1452(i) of the Safe Drinking Water Act.
- c. Additional guidance may be issued by the Office of Wastewater Management or the Office of Groundwater and Drinking Water.



Delegation of Authority

CLEAN WATER ACT

2-97 **Grants and Cooperative Agreements to Improve Water Quality Under Section 104 of the Clean Water Act**

**1200 TN 400
6/16/95**

1. **AUTHORITY.** To approve grants and cooperative agreements to state water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations and individuals under Clean Water Act Section 104, supplemented, as appropriate, for international awards by the National Environmental Policy Act, Section 102(2)(F), for research, investigations, experiments, training, demonstration, surveys, studies and to approve fellowships relating to the causes, effects, extent, prevention, reduction and elimination of water pollution.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Water.
3. **LIMITATIONS.**
 - a. Approval of grants and cooperative agreements funded by the research and development appropriation is limited to the Assistant Administrator for Research and Development or his/her designee.
 - b. The delegated authority for research and development is limited to activities directly contributing to the implementation of the mission of the office and consistent with congressionally approved budget requests.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level.
5. **ADDITIONAL REFERENCES.**
 - a. Federal Grant and Cooperative Agreement Act of 1977;
 - b. 40 CFR Parts 30, 31, 32, 34, 40, 45 and 46;
 - c. EPA's Assistance Administration Manual, including Chapter 7, Assistance to Project Activities Outside the United States, which requires OIA and State Department concurrence (Chpt. 7, Subpar. 1 (C) (2) and (3); and
 - d. Delegation 1-14, which gives authority to award (execute/sign) grants and cooperative agreements, to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level.



Delegation of Authority

2-90. Receipt of Designations for Natural Resource Trustees

1200 TN 312

1/19/93

Administrative Update 12/15/2015

1. **AUTHORITY.** Pursuant to section 1006(b)(3) and (4) of the Oil Pollution Act of 1990, to receive the designations of State and Indian tribe trustees for natural resources.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management.
3. **LIMITATION.** The Assistant Administrator for Land and Emergency Management must notify the Assistant Administrator for Water or his designee when exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the Division Director level.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300).
 - b. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 107(f)(2)(B).

2-89. Removal of Discharge or Threat of Discharge under Section 311(c) of the Clean Water Act

1200 TN 312 2-89

1/19/93

Updated 10/25/2016

1. **AUTHORITY.** Pursuant to section 311(c) of the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA):
 - a. To remove or arrange for the removal of a discharge and to mitigate or prevent a substantial threat of a discharge;
 - b. To direct or monitor all Federal, State, and private actions, including the issuance of orders;
 - c. To remove and, if necessary, destroy a vessel that is discharging or threatening to discharge;
 - d. To consult with affected trustees; and
 - e. To determine when the removal is complete.
2. **TO WHOM DELEGATED.** The authority in 1.a., 1.b., 1.c. and 1.e. is delegated to the regional administrators and the assistant administrator for Land and Emergency Management. The authority in 1.d. is delegated to the RAs and the AA for OLEM, and to the AA for Water in those situations where EPA is coordinator of long-term restoration.
3. **LIMITATIONS.**
 - a. Section 1011 of the OPA limits the authority in 1.e. for cases that involve the discharge of oil.
 - b. The authority in section 1.a. to 1.d. is to be exercised in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and appropriate Area Contingency Plans, in order to ensure immediate and effective response.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to On-Scene Coordinators, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Delegation 2-85, entitled "Administrative Orders under Section 311(e) of the Clean Water Act".

- b. NCP (40 CFR part 300).
- c. Executive Order 12777, as amended.
- d. 33 USC 1321(b)(7)(B)(i).

2-88. Tests of Facility Removal Capability

1200 TN 312

07/20/2016

1. **AUTHORITY.** Pursuant to section 311(j)(7) of the Clean Water Act, as amended by the Oil Pollution Act of 1990:
 - a. To conduct periodic drills of removal capability under relevant response plans for facilities located in the inland zone; and
 - b. To publish annual reports on those drills.
2. **TO WHOM DELEGATED.**
 - a. The authority in 1.a. is delegated to the regional administrators.
 - b. The authority in 1.b. is delegated to the assistant administrator for the Office of Land and Emergency Management.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. The authority delegated to the regional administrators may be redelegated to the section chief level. The authority delegated to the assistant administrator for the Office of Land and Emergency Management may be redelegated to the deputy assistant administrators for the Office of Land and Emergency Management.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 2-85, Imminent and Substantial Endangerment

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

2-85 Imminent and Substantial Endangerment (1200 TN 350 2-85)

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Section 311(e), and in accordance with Executive Order No. 12,777 (Oct. 18, 1991), as amended by Executive Order Nos. 13,286 (Feb. 28, 2003) and 13,638 (Mar. 15, 2013), to:

- a. Determine that there is an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from a vessel or an onshore or offshore facility.
- b. Provide notice or cause notice to be provided to the affected state.
- c. Issue administrative orders or take other actions necessary to protect the public health and welfare.

2. **TO WHOM DELEGATED.**

- a. The authorities in 1.b and 1.c are redelegated to the assistant administrator for the Office of Enforcement and Compliance Assurance.
- b. The authorities in 1.a and 1.b and the authority in 1.c to take other actions necessary to protect public health and welfare are redelegated to the assistant administrator for the Office of Land and Emergency Management.
- c. The authorities in 1.a, 1.b, and 1.c are redelegated to the regional administrators.

3. LIMITATIONS.

- a. The regional assistant must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authority in 1.c. The regional counsel, or equivalent, may waive concurrence in writing.
- b. The assistant administrator for OLEM must consult with the appropriate regional administrator before exercising the authorities in 1.a and 1.b, and with the assistant administrator for OECA before exercising the authorities in 1.b and 1.c. The assistant administrator for OECA may waive consultation in writing.
- c. The assistant administrator for OECA must consult with the appropriate regional administrator before exercising the authorities in 1.b and 1.c.
- d. The regional administrators must consult with the AA for OECA before exercising the authorities in 1.a and 1.c. The assistant administrator for OECA may waive consultation in writing.
- e. Before exercising the authority in Section 1.c, a corresponding determination that there is an “imminent and substantial threat to public health or welfare” under CWA Section 311(e) must have been made under Section 1.a.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the section chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. National Contingency Plan (40 C.F.R. Part 300).
- b. For referral of the corresponding civil judicial enforcement actions to the U.S. Department of Justice, see the Chapter 2 delegations entitled “Civil Judicial Enforcement and Administrative Penalty Collections Actions” and “Emergency Temporary Restraining Orders.”



Delegation of Authority

1200 TN 259
07/03/1991

2-82. Lake Champlain Management Conference and Grant Authority

1. AUTHORITY.

- a. To convene the Lake Champlain Management Conference to develop a comprehensive pollution prevention, control, and restoration plan for Lake Champlain, provide for public review and comment on the draft plan, and approve such plan if the plan meets the requirements of the Clean Water Act (CWA), pursuant to Section 120 of the CWA, 33 USC 1270 as amended by the Great Lakes and Lake Champlain Act of 2002, Public Law Number 107-303. To provide support to the State of Vermont, the State of New York, and the New England Interstate Water Pollution Control Commission for the implementation of the Lake Champlain Basin Program, pursuant to Section 120 of the CWA, 33 USC 1270 as amended by the Great Lakes and Lake Champlain Act of 2002, Public Law Number 107-303.
- b. To coordinate actions of the Environmental Protection Agency with the actions of other appropriate Federal Agencies.
- c. To approve grants/cooperative agreements to States, interstate, and regional water pollution control agencies, and public or nonprofit agencies, institutions, and organizations to assist research, surveys, studies, and modeling and technical and supporting work necessary for the development and implementation of the plan, pursuant to Section 120 of the CWA, 33 USC 1270 as amended by the Great Lakes and Lake Champlain Act of 2002, Public Law Number 107-303. To approve revisions to the plan if such revisions meet requirements of the Clean Water Act (CWA), pursuant to Section 120 of the CWA, 33 USC 1270 as amended by the Great Lakes and Lake Champlain Act of 2002, Public Law Number 107-303.

2. **TO WHOM DELEGATED.** Regional Administrator, Region I and II.

3. **LIMITATIONS.** None.

4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level, and no further. This authority may be exercised by any person in the chain of command down to the person to whom it has been delegated. Any redelegation of this authority does not divest the official making the redelegation from the power to exercise this authority.

5. **ADDITIONAL REFERENCES.**

- a. 40 CFR Parts 30 and 31.
- b. Delegation 1-14, "Assistance Agreements".
- c. Assistance Administration Manual.

2-53. Assistance Agreements for Near Coastal Waters (NCW) Activities

1200 TN 194

2/6/89

Administrative Update 11/01/2016

1. **AUTHORITY.** To approve grants or cooperative agreements to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals for projects related to improving the environmental conditions of NCW pursuant to Section 104(b)(3) of the Clean Water Act. These projects include national activities to assess the health of near coastal waters, including NCW pilot projects to demonstrate innovative management actions that address identified environmental quality problems, regional NCW assessments and special Agency initiatives, such as the Gulf of Mexico Initiative. Such NCW activities may or may not include one or more estuaries in the National Estuary Program (NEP) authority of Section 320 of the Clean Water Act.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Water.
3. **LIMITATIONS.**
 - a. Regional Administrators may exercise this authority for NCW pilot projects to demonstrate innovative management actions that address identified environmental quality problems in selected NCW, regional NCW assessments, and other special Agency initiatives such as the Gulf of Mexico Initiative.
 - b. The Assistant Administrator for Water may exercise this authority for National activities to assess the health of NCW and develop innovative management strategies having national applicability.
 - c. Awards for NCW activities made by a Regional Administrator or approved by the Assistant Administrator for Water under this authority cannot directly finance the development of a Comprehensive Conservation and Management Plan (CCMP) under the National Estuary Program.
 - d. Approval of any research project by a Regional Administrator or the Assistant Administrator for Water will be given only with the assurance that recipients, when conducting such projects, will use research protocols commensurate with those developed by the Office of Research and Development.
4. **REDELEGATION AUTHORITY.**
 - a. Regional Administrators may redelegate this authority to the Division Director level.
 - b. The Assistant Administrator for Water may redelegate this authority to the Director, Office of Wetlands, Oceans and Watersheds.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. 40 CFR Parts 30, 31, 33, and 40
- b. any policy or guidance developed for near coastal waters activities
- c. Policy on Performance-Based Assistance, May 1985 and the Assistance Administration Manual. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators and the Assistant Administrator for Water under Delegation 1-14-A, "Assistance Agreements."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 2-52A. Class II Administrative Penalty: Initiation of Action; Public Notice; Consultation with State; Negotiation and Signing Consent Agreements; and Assessing Penalties

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

2-52A. Class II Administrative Penalty: Initiation of Action; Public Notice; Consultation with State; Negotiation and Signing Consent Agreements; and Assessing Penalties (1200 TN 350)

1. AUTHORITY. Pursuant to Section 309(g) and 311 of the Clean Water Act, the authority to:

- a. Make findings of fact; propose penalty to be assessed; issue, amend or withdraw Class II administrative complaints.
- b. Provide or cause to be provided public notice of proposed assessment and provide commentors with copies of orders entered on consent or on default.
- c. Consult with states, as required.
- d. Sign consent agreements between the agency and the party against whom a Class II penalty is proposed to be assessed.
- e. Issue final orders assessing Class II penalties where no hearing is requested by the respondent or pursuant to a consent agreement.
- f. Decide petitions by commentors to set aside final orders entered without a hearing and provide copies and/or notice of the decision.

2. TO WHOM DELEGATED. Assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.

3. LIMITATIONS.

- a. The regional administrators may exercise the above authorities only for those cases initiated by the regions.
- b. The OECA assistant administrator must notify the appropriate regional administrator or designee before exercising 1.a. and must consult with the regional administrators or designees before exercising authority 1.c; the OECA assistant administrator must consult with the regional administrators or designees and notify the assistant administrator Office of Water before exercising authority 1.d.
- c. The regional administrator must consult with the regional counsel or her or his delegatee and obtain concurrence on legal sufficiency of documents to be issued before exercising authorities 1.a or 1.d.
- d. The OECA assistant administrator may only exercise authorities 1.a through 1.d. and may only exercise those authorities in multiregional cases and cases of national significance.
- e. The Environmental Appeals Board may only exercise authorities 1.e and 1.f. and only in those cases initiated by headquarters.

4. REDELEGATION AUTHORITY.

- a. Authority 1.f. and the authority to issue consent orders under authority 1.e. may be redelegated to the deputy-assistant-administrator level. The authority to issue final orders under 1.e. may be redelegated to the regional judicial officer. All other authorities may be redelegated to the deputy assistant administrator and division-director level. Authorities 1.b. and 1.c. may be further redelegated to the staff level. The assistant administrator's authority to consult with states may be transferred to regional office employees, with the agreement of the regional administrator or her or his delegatee.
- b. Persons exercising authority 1.d. may allow other appropriate EPA officers or employees to join as "co" or supplemental signatories.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 309(g) and 311 of CWA.
- b. Chapter 1, Delegations 1-37 and 1-38 entitled "Hearings" and "Adjudicatory Proceedings."
- c. 40 CFR Part 22.

2-48. Estuarine Management Grants and Cooperatives Agreements

1200 TN 123

6/21/85

Administrative Update 11/01/2016

1. **AUTHORITY.** To approve grants or cooperative agreements to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, organizations, institutions, and individuals for projects related to improving the environmental conditions of selected estuaries as authorized by the Clean Water Act, Section 104(b)(3). These projects include but are not limited to identifying problem areas and conducting research, investigations and surveys, public participation, and education programs.
2. **TO WHOM DELEGATED.** The Assistant administrator for Water.
3. **LIMITATIONS.**
 - a. Approval authority is specific for activities identified in approved estuary work plans developed under the Comprehensive Estuarine Management program.
 - b. Under this authority, approval of any research projects must be with the understanding that the assistant administrator for Water will ensure that recipients, when conducting such projects, will utilize research protocols commensurate with those developed by the Office of Research and Development.
 - c. The assistant administrator for Water must notify the associate administrator for Public Engagement and Environmental Education when awards have been executed for grants or cooperative agreements related to public participation.
 - d. This authority does not affect any other delegations for Clean Water Act Section 104(b)(3) grants and cooperative agreements, such as the Chesapeake Bay Program.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the office director level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Part 30; 40 CFR Part 40
 - b. Delegation 1-14-A "Assistance Agreements".

2-35. Exclusion of Certain Pollutants and Point Sources from Regulation

1200 TN 103
07/20/2016

1. **AUTHORITY.** To exclude certain specific pollutants and classes or categories of point sources from regulation under terms of paragraph 8 of the Settlement Agreement in NRDC versus Train, 8 E.R.C. 2120 (D.D.C. 1976), as modified by the Court on March 9, 1979, related to implementation of Section 301, 304, 306, and 307 of the Clean Water Act.
2. **TO WHOM DELEGATED.** Assistant administrator for Water.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the deputy assistant administrator and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Sections 301, 304, 306, and 307 of the Clean Water Act and regulations developed thereunder.

Delegation of Authority

2-29. Spill Prevention Control and Countermeasure Plan

1200 TN 97

4/16/84

Administrative Update 12/15/2015

1. **AUTHORITY.** Pursuant to the Federal Water Pollution Control Act (FWPCA), to perform the EPA functions and responsibilities relative to the Spill Prevention Control and Countermeasure Plan (SPCC Plan) regulations.
2. **TO WHOM DELEGATED.** Regional Administrators and Assistant Administrator for Land and Emergency Management.
3. **LIMITATIONS.**
 - a. Regional Administrators are delegated the authority to authorize extensions of time for preparation and implementation of SPCC Plans in accordance with 40 CFR 112.3(f), to require amendments to SPCC Plans in accordance with 40 CFR 114.6. Regional Administrators are, also, delegated the authority to assess and compromise civil penalties in accordance with 40 CFR 112.6, 114.1, and 114.3.
 - b. The Assistant Administrator for Land and Emergency Management is delegated the authority to render decisions on appeals made pursuant to 40 CFR 112.4(f) by owners and operators relative to amendments to SPCC Plans required by Regional Administrators.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Section 311(j)(1)(c) of FWPCA.
 - b. 40 CFR Parts 110, 112, and 114.



Delegation of Authority

2-28. Product Placement on NCP Schedule

1200 TN 312

01/19/93

Administrative Update 12/15/2015

1. **AUTHORITY.** To issue, pursuant to Clean Water Act section 311(d)(2)(g), letters of notification of placement of chemical and biological agents on the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Product Schedule in accordance with Subpart J "Use of Dispersants and Other Chemicals" of the NCP.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management.
3. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the Office Director level.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
4. **ADDITIONAL REFERENCES.** Section 311(d)(2)(G) of CWA; 40 CFR §300.

2-20. National Pollutant Discharge Elimination System (NPDES)

1200 TN 103 2-20

7/25/84

Administrative Update 07/19/2017

1. **AUTHORITY.** To issue and condition permits or to deny applications for permits for discharge pursuant to the Clean Water Act (CWA), Section 402.
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Directors of the Regional Water Divisions; subject to the provisions of 40 CFR 124 and 40 CFR 125. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None



Delegation of Authority

2-15A. Determination of Imminent and Substantial Endangerment

1200 TN 97

4/16/84

Administrative Update 12/15/2015

1. **AUTHORITY.** To determine, pursuant to the Federal Water Pollution Control Act (FWPCA) and in accordance with Executive Order 11735, dated August 3, 1973, that there is an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from an onshore or offshore facility.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Land and Emergency Management.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Section 311 of FWPCA.
 - b. National Contingency Plan (40 CFR 300.52).
 - c. For referral of the corresponding civil judicial enforcement actions to the Department of Justice see Chapter 2 delegations entitled "Civil Judicial Enforcement and Administrative Penalty Collections Actions" and "Emergency TRO's."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 2-14D, Emergency Temporary Restraining Orders

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

2-14D. Emergency Temporary Restraining Orders (1200 TN 350 2-14D)

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Sections 309, 311, 402(h), 504 and 506, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** The regional administrators and the assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrators must notify the assistant administrator for OECA and the assistant administrator for the Office of Water before exercising this authority. The assistant administrator for OECA may waive the requirement for notification in writing. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the assistant administrator for the Office of Land and Emergency Management must also be notified.
 - c. The assistant administrator for OECA must notify the assistant administrator for OW and the appropriate regional administrator before exercising this authority. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the assistant administrator for OLEM must also be notified.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to on-scene coordinators and no further.

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
- b. For referral of other civil actions under CWA, see the Chapter 2 delegation titled "Civil Judicial Enforcement and Administrative Penalty Collections Actions."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 2-14C, Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator

Office of Enforcement and Compliance Assurance

**2-14C. Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions
(1200 TN 350 2-14C)**

1. AUTHORITY.

- a. To settle or exercise the U.S. Environmental Protection Agency's concurrence in the settlement of civil judicial enforcement actions under the Clean Water Act.
- b. To amend a consent decree pursuant to a civil judicial enforcement action under CWA.
- c. To request the attorney general to amend a consent decree issued pursuant to a civil judicial enforcement action and represent the agency.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. Except for a Headquarters-initiated case, the OECA assistant administrator before exercising this authority must obtain the concurrence of the agency official who initiated the case (that is, either the assistant administrator for the Office of Water, the assistant administrator for the Office of Land and Emergency Management or the appropriate regional administrator).

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the OECA division-director level, or equivalent, and to the regional counsel, or equivalent, and no further, except that these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegate

5. ADDITIONAL REFERENCES. None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 2-13, Inspections and Information Gathering

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Assistant Administrator
Office of Water

Regional Administrators

2-13. Inspections and Information Gathering (1200 TN 350 2-13)

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Sections 308 and 311:

- a. To enter into, upon or through any premises subject to the CWA or in which records required to be maintained under the CWA are located; have access to and copy records; take samples and inspect monitoring equipment and methods.
- b. To require the owner or operator of any point source to establish and maintain records; make reports; install, use, and maintain monitoring equipment; sample effluents; and provide information.
- c. To obtain and execute warrants for the purpose of performing an inspection or information gathering.
- d. To carry out any other inspection and information gathering activities authorized by the CWA.
- e. To require the carrying out of any other inspection and information gathering activities authorized by the CWA.
- f. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a, 1.b, 1.c, 1.d, and 1.e.

2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance, the assistant administrator for the Office of Land and Emergency Management, the assistant administrator for the Office of Water and regional administrators.

3. **LIMITATIONS.**

- a. The Office of Land and Emergency Management assistant administrator can exercise these authorities for the purposes of rulemaking pursuant to Section 311 of the CWA and for implementing Section 311 of the CWA and its implementing regulations.
- b. The Office of Enforcement Compliance Assurance assistant administrator, the Office of Land and Emergency Management assistant administrator and the Office of Water assistant administrator must notify the appropriate regional administrator prior to exercising any of the authorities specified in 1.a, 1.b, 1.c, and 1.d except in the case of nationally managed programs.
- c. The OW assistant administrator and the OLEM assistant administrator must consult with the OECA assistant administrator prior to requesting warrants.
- d. The regional administrators must consult with the regional counsel, or equivalent, prior to requesting warrants.

4. **REDELEGATION AUTHORITY.**

- a. The authority in 1.a, 1.c, and 1.d may be redelegated to the staff level.
- b. The authority in 1.b, 1.e, and 1.f may be redelegated to the branch chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. Sections 308 and 311 of the CWA and regulations developed thereunder.
- b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."



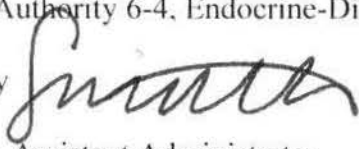
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 30 2016

MEMORANDUM

SUBJECT: Delegation of Authority 6-4, Endocrine-Disruptor Screening Program

FROM: Gina McCarthy 

TO: James J. Jones, Assistant Administrator
Office of Chemical Safety and Pollution Prevention

6-4. Endocrine-Disruptor Screening Program (1200 TN 566)

1. **AUTHORITY.** To perform the U.S. Environmental Protection Agency's functions and responsibilities relative to the testing of chemicals pursuant to Section 408(p) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(p)] including but not limited to the authority:
 - a. to develop a screening program to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effect, as designated by the Administrator [408(p)(1)];
 - b. to provide for the testing of all pesticide chemicals [408(p)(3)(A)] and other substances that may be found in sources of drinking water if a substantial population may be exposed to such substance [42 U.S.C. 300j-17]; and
 - c. to issue orders to a registrant or person who manufactures or imports a substance for which testing is required [408(p)(5)(A)] including:
 - i. orders requiring the testing of all pesticide chemicals [408(p)(3)(A)];
 - ii. orders requiring testing of any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if the Administrator determines that a substantial population may be exposed to such substance [408(p)(3)(B)];
 - iii. orders requiring the testing of any other substance that may be found in sources of drinking water if a substantial population may be exposed to such substance [42 U.S.C. 300j-17]; and
 - iv. orders exempting substances if it is determined that they are not anticipated to be endocrine disruptors [408(p)(4)].
 - d. to determine reasonable time periods for the submission of test data [408(p)(5)(A)];

- e. to establish procedures, including through rulemaking, pursuant to [408(e)(1)(C)]:
 - i. to minimize duplicative testing of the same substance for the same endocrine effect, to the extent practicable [408(p)(5)(B)];
 - ii. for fair and equitable sharing of test costs, as appropriate [408(p)(5)(B)]; and
 - iii. for handling confidential business information as necessary [408(p)(5)(B)].
 - f. to issue a notice of intent to suspend the sale or distribution of a substance by a registrant if that registrant fails to comply with the Administrator's order [408(p)(5)(C)(i)]; and
 - g. to sign *Federal Register* documents related to the actions delegated.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.**
- a. The authorities under Sections 1.b. and 1.c.iii. relating to any non-pesticide substance that may be found in drinking water and the prioritization of substances for which orders are to be issued may be exercised only after consultation with the assistant administrator for the Office of Water or her or his designee as provided for in delegation of authority 9-75, regardless of whether any such substance is already regulated under the Safe Drinking Water Act or listed as an unregulated contaminant for consideration for regulation pursuant to Section 1412(b)(1) of the SDWA.
 - b. The authority to issue the final orders of suspension after the completion of any hearing pursuant to Section 408(p)(5)(C) is reserved to the Administrator.
 - c. The authority to preside at hearings and to make final decisions following hearings pursuant to Section 408(p)(5)(C) and Section 408(p)(5)(D) is retained by the Administrative Law Judges and the Environmental Appeals Board, respectively.
4. **REDELEGATION AUTHORITY.** These authorities may be redelegated to the office-director level or equivalent. The authority outlined under paragraphs 1.c., 1.d., 1.f. and 1.g. may be redelegated to the division-director level or equivalent and may not be redelegated further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
- a. Sections 201(q) and 408(p) of the FFDCA [21 U.S.C. 321(q) and 346a(p)].
 - b. Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 *et seq.*].
 - c. Section 6 of the FIFRA [7 U.S.C. 136 *et seq.*].

- d. Section 1457 of the SDWA [42 U.S.C. 300j-17].
- e. Delegation of Authority 9-75. Determining Drinking Water Substances to Screen for Endocrine Disruption (1200 TN 621).
- f. Delegation of Authority 5-7. Cancellation and Suspension (1200 TN 350).

5-39. State Primary Enforcement Responsibility under the Federal Insecticide, Fungicide, and Rodenticide Act

TN 644

1/12/2017

Administrative Update 3/21/2017

1. **AUTHORITY.** To perform the functions and responsibilities under FIFRA relative to:
 - a. Making general determinations about states' pesticide-use laws and plans pursuant to FIFRA, including the determinations referenced in Sections 26(a) and (b).
 - b. Executing primary enforcement responsibility for pesticide-use violations in states that do not have primary enforcement responsibility for pesticide-use violations, in accordance with FIFRA, including Section 26(c).
 - c. Referring any complaint or other information to the appropriate state officials for investigation and acting upon the complaint or information, if authorized, pursuant to the authority in FIFRA, including Section 27(a).
 - d. Making the determination that the U.S. Environmental Protection Agency should execute primary enforcement responsibility for any FIFRA violations where emergency conditions exist that require immediate action, and the state authority is unwilling or unable to adequately respond to the emergency in accordance with the authority in FIFRA, including Section 27(c).
 - e. Promulgating regulations requiring recordkeeping and reporting as authorized by FIFRA Section 26(a)(3).
 - f. Making a determination to rescind and providing, withdrawing, reissuing, modifying and publishing notice of intent to rescind state primary enforcement responsibility for pesticide-use violations in accordance with FIFRA, including FIFRA Section 27(b) and 40 C.F.R. Part 173.
 - g. Scheduling a hearing, appointing a presiding officer to preside over such hearing and to make a recommended decision and prescribing additional procedures governing the conduct of the hearing after consultation with the state, as authorized by FIFRA, including 40 C.F.R. Part 173.
 - h. Reviewing recommended decisions, as provided by 1.f above, on appeal or *sua sponte* and issuing final orders pursuant to the authority in FIFRA, including 40 C.F.R. Part 173.
2. **TO WHOM DELEGATED.**
 - a. The authorities stated above in Sections 1.a, 1.b, 1.c and 1.d are delegated to the assistant administrator for the Office of Enforcement and Compliance Assurance and to the regional administrators.
 - b. The authority stated above in Section 1.e is delegated to the assistant administrator for OECA.

- c. The authorities stated above in Sections 1.f, 1.g and 1.h are delegated to the regional administrators.

3. LIMITATIONS.

- a. Prior to exercising the authorities in Sections 1.a, 1.b, 1.c and 1.d above, the assistant administrator for OECA must notify the affected regional administrator.
- b. Prior to exercising the authorities in 1.f and 1.g above, a regional administrator must obtain concurrence from the assistant administrator for OECA.

4. REDELEGATION AUTHORITY.

- a. The authorities stated above in Sections 1.a, 1.b, 1.c and 1.d may be redelegated to the section-chief level or equivalent and no further.
- b. The authority stated above in Section 1.e may be redelegated to the office-director level or equivalent and no further.
- c. The authorities stated above in Sections 1.f and 1.g may be redelegated to the division-director level or equivalent and no further.
- d. The authorities stated above in Section 1.h may not be redelegated.
- e. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. FIFRA Sections 26 and 27.
- b. 40 C.F.R. Part 173, Procedures Governing the Rescission of State Primary Enforcement Responsibility for Pesticide Use Violations.
- c. 48 Federal Register 404 (January 5, 1983), FIFRA, State Primary Enforcement Responsibilities (Final Interpretive Rule).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-39, State Primary Enforcement Responsibility under the Federal Insecticide, Fungicide, and Rodenticide Act

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-39. State Primary Enforcement Responsibility under the Federal Insecticide, Fungicide, and Rodenticide Act

1. **AUTHORITY.** To perform the functions and responsibilities under FIFRA relative to:
 - a. Making general determinations about states' pesticide-use laws and plans pursuant to FIFRA, including the determinations referenced in Sections 26(a) and (b).
 - b. Executing primary enforcement responsibility for pesticide-use violations in states that do not have primary enforcement responsibility for pesticide-use violations, in accordance with FIFRA, including Section 26(c).
 - c. Referring any complaint or other information to the appropriate state officials for investigation and acting upon the complaint or information, if authorized, pursuant to the authority in FIFRA, including Section 27(a).
 - d. Making the determination that the U.S. Environmental Protection Agency should execute primary enforcement responsibility for any FIFRA violations where emergency conditions exist that require immediate action, and the state authority is unwilling or unable to adequately respond to the emergency in accordance with the authority in FIFRA, including Section 27(c).
 - e. Promulgating regulations requiring recordkeeping and reporting as authorized by FIFRA Section 26(a)(3).
 - f. Making a determination to rescind and providing, withdrawing, reissuing, modifying and publishing notice of intent to rescind state primary enforcement responsibility for pesticide-use violations in accordance with FIFRA, including FIFRA Section 27(b) and 40 C.F.R. Part 173.

- g. Scheduling a hearing, appointing a presiding officer to preside over such hearing and to make a recommended decision and prescribing additional procedures governing the conduct of the hearing after consultation with the state, as authorized by FIFRA, including 40 C.F.R. Part 173.
- h. Reviewing recommended decisions, as provided by 1.f above, on appeal or *sua sponte* and issuing final orders pursuant to the authority in FIFRA, including 40 C.F.R. Part 173.

2. TO WHOM DELEGATED.

- a. The authorities stated above in Sections 1.a, 1.b, 1.c and 1.d are delegated to the assistant administrator for the Office of Enforcement and Compliance Assurance and to the regional administrators.
- b. The authority stated above in Section 1.e is delegated to the assistant administrator for OECA.
- c. The authorities stated above in Sections 1.f, 1.g and 1.h are delegated to the regional administrators.

3. LIMITATIONS.

- a. Prior to exercising the authorities in Sections 1.a, 1.b, 1.c and 1.d above, the assistant administrator for OECA must notify the affected regional administrator.
- b. Prior to exercising the authorities in 1.f and 1.g above, a regional administrator must obtain concurrence from the assistant administrator for OECA.

4. REDELEGATION AUTHORITY.

- a. The authorities stated above in Sections 1.a, 1.b, 1.c and 1.d may be redelegated to the section-chief level or equivalent and no further.
- b. The authority stated above in Section 1.e may be redelegated to the office-director level or equivalent and no further.
- c. The authorities stated above in Sections 1.f, 1.g and 1.h may be redelegated to the division-director level or equivalent and no further.
- d. The authorities stated above in Section 1.h may not be redelegated.
- e. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. FIFRA Sections 26 and 27.
- b. 40 C.F.R. Part 173, Procedures Governing the Rescission of State Primary Enforcement Responsibility for Pesticide Use Violations.

- c. 48 Federal Register 404 (January 5, 1983), FIFRA, State Primary Enforcement Responsibilities (Final Interpretive Rule).

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-07-2013 BY 60322 UCBAW/STP/STP

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-38. Pesticide Registration Review

1200 TN 594

07/20/2016

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the periodic review of pesticide registrations pursuant to Section 3(g) of FIFRA, as amended, and the regulations set forth in 40 CFR Part 155, Subpart C.
2. **TO WHOM DELEGATED.** Assistant administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** The authority to amend the procedural regulations related to registration review may be redelegated to the deputy assistant administrator and no further.
4. **REDELEGATION AUTHORITY.** Except for the limitation identified above, this authority may be redelegated to the director, Office of Pesticide Programs or equivalent. This authority may be redelegated to the division director level, or equivalent, and may not be redelegated further except that the authority to grant or deny requests for time extensions or data waivers relating to Data Call-in Notices issued in conjunction with registration review may be redelegated further to the branch chief level or equivalent, and may not be redelegated further.

An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-38. Pesticide Registration Review

1200 TN 594
02/28/2008

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the periodic review of pesticide registrations pursuant to Section 3(g) of FIFRA, as amended, and the regulations set forth in 40 CFR Part 155, Subpart C.
2. **TO WHOM DELEGATED.** Assistant Administrator for Prevention, Pesticides, and Toxic Substances (OPPTS).
3. **LIMITATIONS.** The authority to amend the procedural regulations related to registration review may not be redelegated.
4. **REDELEGATION AUTHORITY.** Except for the limitation identified above, this authority may be redelegated to the Director, Office of Pesticide Programs (OPP), or equivalent. This authority may be redelegated to the Division Director level, or equivalent, and may not be redelegated further except that the authority to grant or deny requests for time extensions or data waivers relating to Data Call-in Notices issued in conjunction with registration review may be redelegated further to the Branch Chief level or equivalent, and may not be redelegated further.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 593

1-29-2008

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-37. Standards for Pesticide Containers and Containment: Determinations for Compliance with Pesticide Residue Removal Requirements

1. **AUTHORITY.** To perform the following EPA functions and responsibilities pursuant to FIFRA section 19(f):
 - a. To make a determination under FIFRA section 19(f)(2) whether or not individual States are carrying out adequate programs to ensure compliance with the pesticide residue removal requirements; and
 - b. To announce such determinations in the **Federal Register**.
2. **TO WHOM DELEGATED.** The authority in 1(a) is delegated to Regional Administrators and the authority in 1(b) is delegated to the Assistant Administrator for Prevention, Pesticides and Toxic Substances.
3. **LIMITATIONS.**
 - a. This delegated authority is limited to making determinations whether or not individual States are carrying out adequate programs to ensure compliance with the pesticide residue removal requirements.
 - b. The appropriate Regional Administrator, or his or her delegatee, shall make a finding of whether or not a particular State is carrying out an adequate program to ensure compliance with the pesticide residue removal requirements based on the guidance criteria issued jointly by the Office of Prevention, Pesticides and Toxic Substances and the Office of Enforcement and Compliance Assurance.
 - c. When making such a determination, the appropriate Regional Administrator, or his or her delegatee, shall notify the Assistant Administrator for Prevention, Pesticides and Toxic Substances, or his or her delegatee.
4. **REDELEGATION AUTHORITY.** The authority in 1(a) may be redelegated to the Director of an Office, Program, Division or equivalent level in the Region; or to their Associates or Deputies, or to the Branch Chief level, but no further. The authority in 1(b) may be redelegated to the Director of the Office of Pesticide Programs, and to the Division Director level, their Associates or Deputies, but no further.
5. **ADDITIONAL REFERENCES.** Section 19(f)(2) of FIFRA.

Delegation of Authority

5-33. Storage Costs

1200 TN 374
11/03/1994

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to storage costs set forth in FIFRA Section 19(c).
2. **TO WHOM DELEGATED.** Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** None
4. **REDELEGATION OF AUTHORITY.** This authority may be redelegated to the Division Director level and may not be redelegated further. An official who redelegates authority does not divest herself or himself of the power to exercise that authority. An official who redelegates authority may revoke such redelegation at any time.
5. **REFERENCES.** None



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-29, Contracting for Applicator Training with Federal Agencies

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-29. Contracting for Applicator Training with Federal Agencies (1200 TN 350 5-29)

1. **AUTHORITY.** To perform the functions and responsibilities relative to contracting with federal agencies for the purpose of encouraging the training of certified applicators, as set forth in the Federal Insecticide, Fungicide, and Rodenticide Act, including Section 23(b).
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** In the case of new contracts, when a regional administrator begins negotiations with a field operation, the regional administrator is to notify the assistant administrator for OCSP that such negotiations are underway.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to staff level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-27, State Cooperative Agreements (Personnel and Facilities)

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-27. State Cooperative Agreements (Personnel and Facilities) (1200 TN 350 5-27)

1. **AUTHORITY.** To approve and administer cooperative agreements with states and Indian tribes to delegate the authority to cooperate in the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act through the use of state or tribe personnel or facilities, to train state or tribe personnel and to assist states and tribes in implementing cooperative enforcement programs, in accordance with FIFRA, including Section 23(a)(1).
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 C.F.R. Part 35.

- b. EPA Publication 202-B-95-001 (Oct 1995), Managing Your Financial Assistance Agreement: Project Officer Responsibilities.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-26, Cooperation with Other Agencies

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-26. Cooperation with Other Agencies (1200 TN 350)

1. **AUTHORITY.** To cooperate with federal and state agencies in carrying out the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, pursuant to Section 22(b) of FIFRA.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** The OECA assistant administrator must notify the OCSPP assistant administrator before taking any action pursuant to this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to staff level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-25, Administering Oaths

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-25. Administering Oaths (1200 TN 350 5-25)

1. **AUTHORITY.** Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, including but limited to Section 22(a), the authority to designate officers or employees of the U.S. Environmental Protection Agency to administer oaths and affirmations or to take affidavits, as granted by Congress to the U.S. Department of Agriculture in 1925 (43 Stat. 803 (Jan. 31, 1925); codified at 7. U.S.C. § 2217), and transferred to the EPA pursuant to Reorganization Plan No. 3 of 1970.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-24, Soliciting Views

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-24. Soliciting Views (1200 TN 350 5-24)

1. **AUTHORITY.** To perform the Administrator functions and responsibilities relative to:
 - a. Soliciting the views of the Secretary of Agriculture pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, pursuant to Section 21(a).
 - b. Soliciting the views of the Secretary of Health and Human Services pursuant to FIFRA, pursuant to Section 21(b).
 - c. Soliciting the views of all interested persons and seeking the advice of qualified persons pursuant to FIFRA, pursuant to Section 21(c).
 - d. Publishing timely notice of public hearings in the *Federal Register* pursuant to FIFRA, including Section 21(d).
2. **TO WHOM DELEGATED.** The authorities above are delegated to the assistant administrator for the Office of Chemical Safety and Pollution Prevention and to the assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.** The assistant administrator for OECA must consult with the assistant administrator for OCSPP before exercising the above authorities.
4. **REDELEGATION AUTHORITY.**
 - a. These authorities may be redelegated to the section chief level, or equivalent, and no further.

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 511
06/27/2000

5-23. Research Grants and Cooperative Agreements for Research, Development, Monitoring, Public Education, Training, Demonstrations and Studies.

1. **AUTHORITY.** To approve grants and cooperative agreements to eligible recipients including other Federal agencies, universities, or others, for research, development, monitoring, public education, training, demonstration and studies as may be necessary to carry out the purposes of FIFRA Section 20 and FIFRA Section 23 supplemented, as appropriate, for international awards by the National Environmental Policy Act, Section 102 (2)(F).
2. **TO WHOM DELEGATED.** The Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, and the Regional Administrators.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for the Office of Chemical Safety and Pollution Prevention shall inform the appropriate Regional Administrator prior to conducting any research grants and cooperative agreements whose sole or major purpose is to gather specific information within a specific State, Tribe, Territory or EPA Region.
 - b. The authority delegated to Regional Administrators is limited to a dollar amount established by the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.
 - c. The authority delegated to the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention and the Regional Administrators does not include research within the purview of the Office of Research and Development. The delegated authority for research and development is limited to activities directly contributing to the implementation of the mission of the office and consistent with congressionally approved budget requests.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director for Pesticide Programs and to the Division Director level in the Regions. The authority delegated to the Office Director for Pesticide Programs

may be redelegated to the Chief, Resource Management Staff and the Division Director level, or equivalent, and may not be redelegated further.

5. ADDITIONAL REFERENCES. The following additional references apply to this delegation of authority:

- a. Federal Grant and Cooperative Agreement Act of 1977;
- b. Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2000 (US Pub. L. 106-074; Page 113 STAT. 1081), which includes new language for FIFRA as included in the EPA FY 2000 Appropriations Act;
- c. 40 CFR Parts 30, 31, 32, 34, 35 and 40;
- d. The EPA Assistance Administration Manual, including Chapter 7, Assistance to Project Activities Outside the United States, which requires OIA and State Department concurrence [Ch.7, Sub. 1 (C)(2) and (3)]; and
- e. Delegation 1-14, which gives authority to award (execute/sign) grants and cooperative agreements to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level.



Delegation of Authority

1200 TN 511
06/27/2000

5-23. Research Grants and Cooperative Agreements for Research, Development, Monitoring, Public Education, Training, Demonstrations and Studies.

1. **AUTHORITY.** To approve grants and cooperative agreements to eligible recipients including other Federal agencies, universities, or others, for research, development, monitoring, public education, training, demonstration and studies as may be necessary to carry out the purposes of FIFRA Section 20 and FIFRA Section 23 supplemented, as appropriate, for international awards by the National Environmental Policy Act, Section 102 (2)(F).
2. **TO WHOM DELEGATED.** The Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, and the Regional Administrators.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for the Office of Chemical Safety and Pollution Prevention shall inform the appropriate Regional Administrator prior to conducting any research grants and cooperative agreements whose sole or major purpose is to gather specific information within a specific State, Tribe, Territory or EPA Region.
 - b. The authority delegated to Regional Administrators is limited to a dollar amount established by the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.
 - c. The authority delegated to the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention and the Regional Administrators does not include research within the purview of the Office of Research and Development. The delegated authority for research and development is limited to activities directly contributing to the implementation of the mission of the office and consistent with congressionally approved budget requests.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director for Pesticide Programs and to the Division Director level in the Regions. The authority delegated to the Office Director for Pesticide Programs

may be redelegated to the Chief, Resource Management Staff and the Division Director level, or equivalent, and may not be redelegated further.

5. ADDITIONAL REFERENCES. The following additional references apply to this delegation of authority:

- a. Federal Grant and Cooperative Agreement Act of 1977;
- b. Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2000 (US Pub. L. 106-074; Page 113 STAT. 1081), which includes new language for FIFRA as included in the EPA FY 2000 Appropriations Act;
- c. 40 CFR Parts 30, 31, 32, 34, 35 and 40;
- d. The EPA Assistance Administration Manual, including Chapter 7, Assistance to Project Activities Outside the United States, which requires OIA and State Department concurrence [Ch.7, Sub. 1 (C)(2) and (3)]; and
- e. Delegation 1-14, which gives authority to award (execute/sign) grants and cooperative agreements to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level.



Delegation of Authority

1200 TN 72
03/09/1981

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-22. Emergency Exemptions

1. AUTHORITY. To perform the Environmental Protection Agency functions and responsibilities relative to granting of emergency exemptions to Federal or State agencies, as set forth in FIFRA, as amended, Section 18.

2. TO WHOM DELEGATED. Assistant Administrator for Chemical Safety and Pollution Prevention with the concurrence of the appropriate Regional Administrator.

3. LIMITATIONS.

- a. The authority to prescribe standards relative to the issuance of emergency exemptions is reserved to the Administrator.
- b. The decision to issue an emergency exemption of national significance is reserved to the Administrator.
- c. The Assistant Administrator for Chemical Safety and Pollution Prevention with the concurrence of the appropriate Regional Administrator may issue emergency exemptions which are not of national significance.
- d. If the request for an emergency exemption was made by the Secretary of Agriculture, the Assistant Administrator for Prevention, Pesticides, and Toxic Substances shall consult with the Secretary in determining whether an emergency exists. If the request for an emergency exemption is made by the Governor of a State, the appropriate Regional Administrator shall consult with the Governor in determining whether an emergency condition exists.

4. REDELEGATION AUTHORITY. This authority may be redelegated.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-19, Imports, Exports and Other International Activities

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-19. Imports, Exports and Other International Activities (1200 TN 350 5-19)

1. **AUTHORITIES.** Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, including Section 17, and implementing regulations, the authorities:
 - a. To receive, review, and complete notifications of the arrival of pesticides and devices; to request delivery of samples of pesticides or devices and all accompanying labeling and materials being imported or offered for importation into the United States; to assist the Department of Homeland Security in giving notice or to give notice to the owner or consignee; to examine samples delivered by the Department of Homeland Security; and to inform or instruct the Department of Homeland Security to refuse admission of pesticides and/or devices.
 - b. To receive testimony from the owner or consignee.
 - c. To receive information regarding exported pesticides and devices, including foreign purchaser acknowledgement statements, exporter certifications and annual reports, and to transmit this information to appropriate foreign government officials.
 - d. To transmit notification of registration, cancellation or suspension of a registration through the Department of State to foreign governments and international agencies; to participate and cooperate with the Department of State and any other federal agency in international efforts to develop improved pesticide research and regulations; and to consult with the Secretary of the Treasury on the prescription of enforcement regulations.

2. TO WHOM DELEGATED.

- a. The authorities in paragraph 1(a) are delegated to the assistant administrator for the Office of Enforcement and Compliance Assurance and to regional administrators.
- b. The authority in paragraph 1(b) is delegated to regional administrators.
- c. The authorities in paragraphs 1(c) and (d) are delegated to the assistant administrator for the Office of Chemical Safety and Pollution Prevention.

3. LIMITATIONS. None.

4. REDELEGATION AUTHORITY.

- a. The authorities in paragraph 1(a), 1(c) and 1(d) may be redelegated to staff level.
- b. The authority in paragraph 1(b) may be redelegated to regional judicial officers and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically delegated.

5. ADDITIONAL REFERENCES.

- a. 19 C.F.R. §§ 12.110–12.117 (U.S. Customs and Border Protection regulations for importing pesticides and devices).
- b. 40 C.F.R. §§ 168.65–168.85 (Procedures for Exporting Pesticides).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-18, Publication of Judgments

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-18. Publication of Judgments (1200 TN 350 5-18)

1. **AUTHORITY.** To publish notices of all judgments entered in actions instituted under Section 16 of the Federal Insecticide, Fungicide and Rodenticide Act.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to staff level.
 - b. An official who redelegates an authority retains the right to exercise that authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 16(d) of FIFRA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-17D, Emergency Temporary Restraining Orders

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-17D. Emergency Temporary Restraining Orders (1200 TN 350 5-17D)

1. **AUTHORITY.** Pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, including Section 16(c), to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrators must notify the assistant administrator for OECA before exercising this authority. The assistant administrator for OECA may waive the requirement for notification in writing.
 - c. The assistant administrator for OECA must notify the appropriate regional administrator before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division-director level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Federal Register 48,942 (1977).
- b. For referral of other civil actions under FIFRA, see the Chapter 5 delegation titled "Civil Judicial Enforcement Actions."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-17C, Settlement or Concurrence in Settlement of Civil Judicial Actions

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator
Office of Enforcement and Compliance Assurance

5-17C. Settlement or Concurrence in Settlement of Civil Judicial Actions (1200 TN 350 5-17C)

1. AUTHORITY.

- a. To exercise the U.S. Environmental Protection Agency's concurrence in the settlement of civil judicial actions under the Federal Insecticide, Fungicide and Rodenticide Act.
- b. To request the attorney general to amend a consent decree issued under FIFRA.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. Except for headquarters-initiated cases, the assistant administrator for OECA must obtain the concurrence of the appropriate regional administrator before exercising this authority.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the OECA division director level, or equivalent, and to the regional counsel or equivalent and no further, except that these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-16, Indemnity Payments

FROM: Gina McCarthy 

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Regional Administrators

5-16. Indemnity Payments (1200 TN 350 5-16)

1. **AUTHORITY.** To perform the Administrator functions and responsibilities relative to indemnity payments, as set forth in the Federal Insecticide, Fungicide and Rodenticide Act, including Section 15.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division level or equivalent for claims of \$50,000 or less and may not be delegated further. The authority to approve claims of more than \$50,000 may be redelegated to the office level, or equivalent, and may not be delegated further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically delegated.
5. **ADDITIONAL REFERENCES.** None.

Delegation of Authority

1200 TN 350 5-15A

05/11/1994

Administrative Update 02/04/2016

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-15A Administrative Enforcement: Agency Representation in Hearings, Negotiation and Signing of Consent Agreements, and Initiation of Appeals

1. **AUTHORITY.** To represent the Agency in administrative enforcement actions conducted under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and 5 U.S.C. Section 554; to negotiate and sign consent agreements between the Agency and respondents resulting from such enforcement actions; and to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.
2. **TO WHOM DELEGATED.** Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance must consult with the Regional Administrator or his designee and the Assistant Administrator for Chemical Safety and Pollution Prevention or his/her designee prior to initiating an appeal.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Sections 9(c) and 14 of FIFRA.

Delegation of Authority

1200 TN 350 5-15A
05/11/1994

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-15A. Administrative Enforcement: Agency Representation in Hearings, Negotiation and Signing of Consent Agreements, and Initiation of Appeals

1. **AUTHORITY.** To represent the Agency in administrative enforcement actions conducted under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and 5 U.S.C. Section 554; to negotiate and sign consent agreements between the Agency and respondents resulting from such enforcement actions; and to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.
2. **TO WHOM DELEGATED.** Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance must consult with the Regional Administrator or his designee and the Assistant Administrator for Chemical Safety and Pollution Prevention or his/her designee prior to initiating an appeal.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the Division Director level. The authority to represent the agency in administrative enforcement actions and to negotiate agreements may be redelegated to attorneys in assigned cases.
 - b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Sections 9(c) and 14 of FIFRA.

Delegation of Authority

1200 TN 350 5-15A

05/11/1994

Administrative Update 02/04/2016

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-15A. Administrative Enforcement: Agency Representation in Hearings, Negotiation and Signing of Consent Agreements, and Initiation of Appeals

1. **AUTHORITY.** To represent the Agency in administrative enforcement actions conducted under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and 5 U.S.C. Section 554; to negotiate and sign consent agreements between the Agency and respondents resulting from such enforcement actions; and to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.
2. **TO WHOM DELEGATED.** Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance must consult with the Regional Administrator or his designee and the Assistant Administrator for Chemical Safety and Pollution Prevention or his/her designee prior to initiating an appeal.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Sections 9(c) and 14 of FIFRA.

Delegation of Authority

1200 TN 350 5-14

05/11/1994

Administrative Update 02/04/2016

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-14. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements

1. **AUTHORITY.** Pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), to issue written notices of warning; to issue complaints; to evaluate the appropriateness of civil penalties; and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. Regional Administrators must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee in cases of national significance before exercising any of the above authorities except for the issuance of warning letters.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or cases of national significance.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Sections 9(c) and 14 of FIFRA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-13, Disposition of Condemned Pesticides

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-13. Disposition of Condemned Pesticides (1200 TN 350 5-13)

1. **AUTHORITY.** To cooperate with a federal district court in the disposition of a condemned pesticide or device, as provided in the Federal Insecticide, Fungicide and Rodenticide Act.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to staff level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. The disposal of pesticides may implicate Solid Waste Disposal Act requirements. See Chapter 8 of this Delegations Manual.
 - b. Section 13(b), (c), and (d) of FIFRA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-12, Issuance of Stop Sale, Use or Removal Orders

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-12. Issuance of Stop Sale, Use or Removal Orders (1200 TN 350 5-12)

1. **AUTHORITY.** To issue stop sale, use or removal orders as provided in the Federal Insecticide, Fungicide and Rodenticide Act, including Section 13(a), whenever there is reason to believe on the basis of inspection or tests that a pesticide or device is in violation of any provision of FIFRA or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions or when the registration of the pesticide has been cancelled by a final order or has been suspended.
2. **TO WHOM DELEGATED.** Regional administrators and the assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. Regional administrators may exercise the above authority against persons in their region. Regional administrators may also exercise the above authority against persons in another region after consulting with that region.
 - b. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising this authority. The regional counsel, or equivalent, may waive concurrence in writing.
 - c. The assistant administrator for OECA must notify any affected regional administrators before exercising any of the above authorities, however, a regional administrator may waive this notification requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. Chapter 5 delegation titled “Civil Judicial Enforcement Actions” and “Emergency Temporary Restraining Orders” for seizure and related authority under Sections 13(b)–(d).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-11, Notice of Stored Pesticides with Canceled or Suspended Registrations

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-11. Notice of Stored Pesticides with Canceled or Suspended Registrations (1200 TN 350 5-11)

1. **AUTHORITY.** To perform Administrator functions and responsibilities relative to the receipt of notifications of stored pesticides with canceled or suspended registrations and the transmittal of such notifications to Regional offices pursuant to Federal, Insecticide, Fungicide and Rodenticide Act, including Section 6(g).
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention and the assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to staff level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-10. Annual Report to Congress

1200 TN 231
07/20/2016

1. **AUTHORITY.** To sign, submit, and perform the EPA functions and responsibilities relative to the submission of an annual report to Congress which shall include the total number of applications for conditional registration under FIFRA Sections 3(c)(7)(B) and 3(c)(7)(C) that were filed during the immediately preceding fiscal year. The findings shall be reported in each case, the conditions imposed and any modification of such conditions in each case, and the quantities produced of such pesticides, as set forth in Section 29 of FIFRA, as amended.
2. **TO WHOM DELEGATED.** Assistant administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the deputy assistant administrator for the Office of Chemical Safety and Pollution Prevention and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-9, Inspections and Information Gathering

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-9. Inspections and Information Gathering (1200 TN 350 5-9)

1. **AUTHORITY.** Pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, including Sections 8 and 9:

- a. To perform the U.S. Environmental Protection Agency functions and responsibilities relative to the inspection of books and records.
- b. To perform the EPA functions and responsibilities relative to the inspection of establishments or other places where pesticides or devices are held for distribution or sale or any place where there is being held any pesticide the registration of which has been suspended or canceled.
- c. To obtain and execute warrants for the purposes of performing an inspection or information gathering.
- d. To carry out any other inspection and information gathering activities authorized by FIFRA.
- e. To require the carrying out of any other inspection and information gathering activities authorized by FIFRA.
- f. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a, 1.b, 1.c, 1.d and 1.e.

2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.

3. LIMITATIONS.

- a. The assistant administrator for OCSPP must consult with the assistant administrator for OECA prior to requesting warrants.
- b. The regional administrator must consult with the regional counsel, or equivalent, prior to requesting warrants.
- c. The assistant administrator for OCSPP and the assistant administrator for OECA must notify the appropriate regional administrator prior to exercising authority under 1.a, 1.b, 1.c, 1.d, or 1.e, except in the case of nationally managed programs.

4. REDELEGATION AUTHORITY.

- a. The authorities in 1.a, 1.b, 1.c and 1.d may be redelegated to the staff level.
- b. The authority in 1.e and 1.f may be redelegated to the branch chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 8 and 9 of FIFRA.
- b. Agency order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-8, Registration of Establishments

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-8. Registration of Establishments (1200 TN 350 5-8)

1. **AUTHORITY.** To perform the functions and responsibilities relative to the registration of establishments and the requesting and receipt of information related to establishments, as set forth in the Federal Insecticide, Fungicide and Rodenticide Act, Section 7.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** Authority to promulgate rules and regulations and to issue notices of proposed rulemaking implementing Section 7(c) is reserved to the Administrator.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to staff level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** 40 C.F.R. Part 167.



Delegation of Authority

1200 TN 350
05/11/1994

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-7. Cancellation and Suspension

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the administrative review, suspension, and cancellation of registration, as set forth in FIFRA, as amended, Section 3, 4, or 6.
2. **TO WHO DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. The authority to issue the final orders of suspension or cancellation, or change of classification, after the completion of any hearing pursuant to Section 6 and orders pursuant to Section 6(c) is reserved to the Administrator.
 - b. The authority to issue a notice of intent to cancel or to change classification or to hold hearing on items of major national significance is reserved to the Assistant Administrator for Chemical Safety and Pollution Prevention.
 - c. The authority to preside at hearings, and to make final decisions following hearings, pursuant to Section 6, is retained by the Administrative Law Judges and the Environmental Appeals Board, respectively.
 - d. The Assistant Administrator for Enforcement and Compliance Assurance must receive concurrence from the Assistant Administrator for Chemical Safety and Pollution Prevention before exercising this authority.
4. **REDELEGATION OF AUTHORITY.** This authority may be redelegated to the Division Director level and may not be redelegated further.



Delegation of Authority

1200 TN 103
07/25/1984

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-6. State Programs for Experimental Use Permits

1. **AUTHORITY.** To perform the Environmental Protection Agency functions and responsibilities relative to State issuance of experimental use permits, including the authority to authorize any State to issue an experimental use permit for a pesticide; and to sign Federal Register notices indicating an intention to approve State plans (and soliciting public comment) and Federal Register notices approving State plans, pursuant to Section 5(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.**
 - a. The authority to approve State plans is delegated to Regional Administrators who will forward for review copies of all State plans to the Director, Office of Pesticide Programs and the General Counsel upon receipt and will notify the Director, Office of Pesticide Programs and the General Counsel at least five days prior to signing a Federal Register notice indicating an intention to approve or indicating final approval of a State plan.
 - b. The authority to issue orders pursuant to Section 4(b) of FIFRA is reserved to the Administrator.
 - c. The authority to prescribe standards relative to the State Experimental Use Permit program under Section 5(f) of FIFRA is reserved to the Administrator.
 - d. The authority to review State-issued experimental use permits and to take action relative thereto, including, but not limited to, revocation of the permit, is delegated to the Assistant Administrator for Chemical Safety and Pollution Prevention. The Assistant Administrator for Chemical Safety and Pollution Prevention shall consult with the

General Counsel and the appropriate Regional Administrator before revoking a State experimental use permit.

4. **REDELEGATION AUTHORITY.** Authority to sign Federal Register notices may not be redelegated. All other authorities may be redelegated to the Division Director level.
5. **ADDITIONAL REFERENCES.** EPA Order 1000.23.



Delegation of Authority

1200 TN 103
07/25/1984

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-5. Revocation of Experimental Use Permits

1. **AUTHORITY.** To perform the Environmental Protection Agency functions and responsibilities relative to revocation of Experimental Use Permits, as set forth in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 5(e).
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **REDELEGATION AUTHORITY.** This authority may be redelegated.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 5-4, Use of Pesticides Under Experimental Use Permits

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

5-4. Use of Pesticides Under Experimental Use Permits (1200 TN 350)

1. **AUTHORITY.** To perform the functions and responsibilities relative to supervision of the use of pesticides under experimental use permits and to determine the status of compliance with terms and conditions of experimental use permits, as set forth in the Federal Insecticide, Fungicide and Rodenticide Act, Section 5(c).
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** The OCSPP assistant administrator must notify any affected regional administrators prior to exercising these authorities.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to staff level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 72
03/09/1981

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-3. Issuance of Experimental Use Permits

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the issuance of Experimental Use Permits and establishment of temporary tolerances including prescribing the terms, conditions, and time period for each permit, and requiring studies of the effect on the environment of chemicals or chemical combinations contained in a pesticide for which an Experimental Use Permit has been issued, as set forth in FIFRA, as amended, Sections 5(a), (b), (c), (d) and (g).
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** The authority to promulgate regulations governing the Experimental Use Permit program is reserved to the Administrator.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated.



Delegation of Authority

1200 TN 462
04/06/1998

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-2. Certification of Pesticide Applicators

1. **AUTHORITY.** To perform EPA functions and responsibilities relative to certification of Pesticide Applicators as set forth in Section 11 of FIFRA, and to issue corresponding Federal Register Notices.
2. **TO WHOM DELEGATED.** The authorities pertaining to:
 - a. Certification of Pesticide Applicators, the approval, disapproval and withdrawal of approval for Certification and Training Plans, and the issuance of corresponding Federal Register Notices are delegated to:
 - 1) Regional Administrators for State Plans; and
 - 2) the Assistant Administrator for Chemical Safety and Pollution Prevention for Federal Agency Plans.
 - b. Prescribing Federal standards for the certification and training of Pesticide Applicators as set forth in FIFRA Section 11(a)(1) is delegated to the Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.**
 - a. With regard to State Plans, the Regional Administrators will:
 - 1) forward, upon receipt, copies of all State Plans to the Assistant Administrator for Chemical Safety and Pollution Prevention or his/her designee for review and concurrence;
 - 2) forward to the Assistant Administrator for Chemical Safety and Pollution Prevention or his/her designee for review and concurrence, any Federal Register notice pertaining to an intended or final action regarding any State Plan prior to signing any such notice; and
 - 3) forward to the Assistant Administrator for Chemical Safety and Pollution Prevention or his/her designee for review and

concurrence, any notice or order withdrawing approval of a State Plan under FIFRA Section 11(b) prior to signing any such notice or order. .

- b. With regard to Federal Plans, the Assistant Administrator for Chemical Safety and Pollution Prevention will:
 - 1) notify the Administrator or his/her designee five days prior to signing a Federal Register notice pertaining to intended or final action regarding any Federal Agency Plan; and
 - 2) notify the Administrator or his/her designee five days prior to signing any notice or order withdrawing approval of any Federal Agency Plan.

4. REDELEGATION AUTHORITY.

- a. The authorities delegated to the Assistant Administrator for Chemical Safety and Pollution Prevention for the approval of a Federal Plan and the issuance of corresponding Federal Register Notices may be redelegated to the Division Director level or equivalent and these authorities may not be redelegated further. If the authority is redelegated, all officials in the management chain of the redelegatee retain the authority to exercise the delegated duties.
- b. The authorities delegated to the Regional Administrators may not be redelegated.
- c. With regard to Federal Plans, the Assistant Administrator for Chemical Safety and Pollution Prevention may:
determine that the National Program Office or an appropriate Regional office shall administer an approved federal plan consistent with the directives of the Assistant Administrator. If the authority is redelegated, the Assistant Administrator for Chemical Safety and Pollution Prevention and all officials in the management chain of the redelegatee retain the authority to exercise the delegated duties.

5. ADDITIONAL REFERENCES. None.



Delegation of Authority

1200 TN 353

06/08/1994

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-1-C. Reregistration

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the reregistration of pesticides pursuant to Sections 3 and 4 of FIFRA, as amended.
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.**
 - a. The authority to publish guidelines specifying information requirements in support of registration as set forth in Section 3(c)(2)(A) is reserved to the Administrator.
 - b. The authority to approve registrations of pesticides containing active ingredients and for uses identical or similar to those finally cancelled by an order of the Administrator is reserved to the Administrator.
 - c. The authority to publish notice of intent and final order per FIFRA Section 4(d)(5)(B) is reserved to the Assistant Administrator for Chemical Safety and Pollution Prevention.
 - d. The authority to publish eligibility for reregistration per Section 4(g) is reserved to the Office Director for Pesticide Programs.
 - e. The authority to publish notice, per Section 4 (f)(1)(B), of outstanding data requirements for active ingredients listed in Sections 4(c)(2)(B), 4(c)(2)(C), and 4(c)(2)(D) is reserved to the Office Director for Pesticide Programs.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated below the Division Director level only as follows:
 - a. The authority to issue notices of reregistration for pesticide products per Section 4(d)(2)(C) may be redelegated to the Registration Division Product Management Team Leaders (Product Managers).
 - b. The authority to deny requests for product specific data waiver and to deny requests for time extensions per Sections 3(c)(2)(B) and 4(g)(2)(B) may be redelegated to the Branch Chiefs.



Delegation of Authority

1200 TN 350
05/11/1994

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-1-B. Change to Existing Registration

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the amending of existing registrations and the approval of new uses for existing registrations of pesticides pursuant to Section 3 of FIFRA, as amended.
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.** The authority to publish guidelines specifying information requirements in support of registration as set forth in Section 3(c)(2) is reserved to the Administrator.

The Assistant Administrator for Enforcement and Compliance Assurance must receive concurrence from the Assistant Administrator for Chemical Safety and Pollution Prevention before exercising this authority.

4. **REDELEGATION AUTHORITY.** This authority may be redelegated.



Delegation of Authority

1200 TN 350
05/11/1994

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

5-1-A. New Chemical Registration

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the registration of pesticides pursuant to Section 3 of FIFRA, as amended.
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.** The authority to publish guidelines specifying information requirements in support of registration as set forth in Section 3(c)(2) is reserved to the Administrator.

The Assistant Administrator for Enforcement and Compliance Assurance must be consulted by the Assistant Administrator for Chemical Safety and Pollution Prevention before exercising this authority.

4. **REDELEGATION OF AUTHORITY.** This authority may be redelegated.



Delegation of Authority

1200 TN 584
11/08/06

LIBERTY SHIP ACT

4-2. Certificates Regarding Proposed Use of Obsolete Department of Transportation Vessels as Artificial Reefs

1. AUTHORITY. To grant or deny a certificate under the Liberty Ship Act that the proposed use of a Department of Transportation-owned obsolete vessel as an artificial reef will be compatible with water quality standards and other appropriate environmental protection requirements, including the stipulation of any necessary conditions to ensure such compatibility.

2. TO WHOM DELEGATED. Regional Administrators

3. LIMITATIONS. None

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES. U.S.C. § 1220(b)(2); 71 Fed. Reg. 27716 (May 12, 2006).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-65, Citizen Suit Penalty Fund Expenditures

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-65. Citizen Suit Penalty Fund Expenditures (1200 TN 350 7-65)

1. **AUTHORITY.** To expend monies contained in the Section 304(g)(1) Clean Air Act Citizens' Suit Penalty Fund to finance air compliance and enforcement activities.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. The assistant administrator for OECA must concur in the determination to expend monies from the fund.
 - b. The assistant administrator for OECA may waive, in writing, concurrence requirements.
4. **DELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



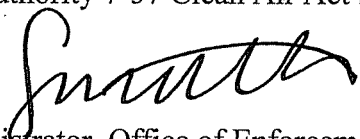
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 21 2016

MEMORANDUM

SUBJECT: Delegation of Authority 7-57 Clean Air Act Section 309 Review Process

FROM: Gina McCarthy 

TO: Assistant Administrator, Office of Enforcement and Compliance Assurance
Regional Administrators

I hereby delegate to the Office of Enforcement and Compliance Assurance assistant administrator and the regional administrators the authority to review and comment on the environmental impact of federal legislation, regulations, construction projects, major actions and referrals to the President's Council on Environmental Quality pursuant to Section 309(a) of the Clean Air Act.

7-57. Clean Air Act Section 309 Review Process (1200 TN 350 7-57)

1. AUTHORITY.

- a. To review and comment in writing on the environmental impact, in accordance with the Clean Air Act Section 309(a), of legislation proposed by any federal department or agency, newly authorized federal projects for construction and any major federal actions (other than a project for construction) to which the National Environmental Policy Act applies and proposed regulations published by any department or federal-government agency.
- b. To refer to the Council on Environmental Quality, in accordance with Clean Air Act Section 309(b), any such legislation, action or regulation that the Administrator determines to be unsatisfactory from the standpoint of public health or welfare or environmental quality.

2. TO WHOM DELEGATED.

Assistant administrator for OECA and regional administrators.

3. LIMITATIONS.

- a. The referral to the Council on Environmental Quality is reserved for the Administrator.
- b. Regional administrators must receive concurrence from the OECA assistant administrator before commenting in writing on draft environmental impact statements that assign a rating of environmentally unsatisfactory and/or inadequate (3).
- c. The authority to comment in writing on the environmental impacts under Section 1.a. that are: 1) national in scope, 2) embody a high degree of national controversy or significance or 3) raise novel policy considerations is limited to the OECA assistant administrator.

4. REDELEGATION AUTHORITY.

- a. The authority to comment in writing on draft environmental impact statements that assign a rating of environmentally unsatisfactory and/or inadequate (3) may not be redelegated.
- b. Consistent with 4.a., the authority of the OECA assistant administrator may be redelegated to the office-director level, except concurrence on regional written comments with an environmentally unsatisfactory and/or inadequate (3) rating may not be redelegated.
- c. Consistent with 4.a., the authority of the regional administrators may be redelegated to the National Environmental Policy Act program staff, except that comments in writing on draft and final environmental impact statements and environmental assessments may be redelegated no further than National Environmental Policy Act program managers or equivalent.
- d. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

U.S. Environmental Protection Agency Policy and Procedures for the Review of Federal Actions Impacting the Environment.



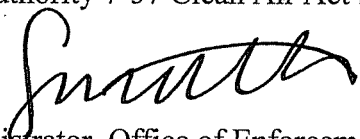
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 21 2016

MEMORANDUM

SUBJECT: Delegation of Authority 7-57 Clean Air Act Section 309 Review Process

FROM: Gina McCarthy 

TO: Assistant Administrator, Office of Enforcement and Compliance Assurance
Regional Administrators

I hereby delegate to the Office of Enforcement and Compliance Assurance assistant administrator and the regional administrators the authority to review and comment on the environmental impact of federal legislation, regulations, construction projects, major actions and referrals to the President's Council on Environmental Quality pursuant to Section 309(a) of the Clean Air Act.

7-57. Clean Air Act Section 309 Review Process (1200 TN 350 7-57)

1. AUTHORITY.

- a. To review and comment in writing on the environmental impact, in accordance with the Clean Air Act Section 309(a), of legislation proposed by any federal department or agency, newly authorized federal projects for construction and any major federal actions (other than a project for construction) to which the National Environmental Policy Act applies and proposed regulations published by any department or federal-government agency.
- b. To refer to the Council on Environmental Quality, in accordance with Clean Air Act Section 309(b), any such legislation, action or regulation that the Administrator determines to be unsatisfactory from the standpoint of public health or welfare or environmental quality.

2. TO WHOM DELEGATED.

Assistant administrator for OECA and regional administrators.

3. LIMITATIONS.

- a. The referral to the Council on Environmental Quality is reserved for the Administrator.
- b. Regional administrators must receive concurrence from the OECA assistant administrator before commenting in writing on draft environmental impact statements that assign a rating of environmentally unsatisfactory and/or inadequate (3).
- c. The authority to comment in writing on the environmental impacts under Section 1.a. that are: 1) national in scope, 2) embody a high degree of national controversy or significance or 3) raise novel policy considerations is limited to the OECA assistant administrator.

4. REDELEGATION AUTHORITY.

- a. The authority to comment in writing on draft environmental impact statements that assign a rating of environmentally unsatisfactory and/or inadequate (3) may not be redelegated.
- b. Consistent with 4.a., the authority of the OECA assistant administrator may be redelegated to the office-director level, except concurrence on regional written comments with an environmentally unsatisfactory and/or inadequate (3) rating may not be redelegated.
- c. Consistent with 4.a., the authority of the regional administrators may be redelegated to the National Environmental Policy Act program staff, except that comments in writing on draft and final environmental impact statements and environmental assessments may be redelegated no further than National Environmental Policy Act program managers or equivalent.
- d. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

U.S. Environmental Protection Agency Policy and Procedures for the Review of Federal Actions Impacting the Environment.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-56, Primary Nonferrous Smelter Orders

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-56. Primary Nonferrous Smelter Orders (1200 TN 350 7-56)

1. AUTHORITY.

- a. To provide notice of and to conduct on behalf of the agency any public hearing required under section 119 of the Clean Air Act; and to conduct investigations and use the authority of section 321 in order to obtain information for purposes of a waiver under section 119(d)(2).
- b. To sign and submit for publication in the *Federal Register* notices of proposed action to issue, deny, approve or disapprove primary nonferrous smelter orders or amendments to such orders pursuant to section 119 and 40 CFR, Part 57.
- c. To sign and submit for publication in the *Federal Register* notices to suspend State Implementation Plan sulfur dioxide emission limitations applicable to nonferrous smelters pursuant to 40 CFR 57.202.

2. TO WHOM DELEGATED. Assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.

3. LIMITATIONS. None.

4. REDELEGATION AUTHORITY.

- a. The authority in paragraph (a) may be redelegated to the division director level, or equivalent, and no further. The authorities in paragraphs (b) and (c) may be redelegated to the deputy assistant administrator and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegate.

5. ADDITIONAL REFERENCES. None.

CLEAN AIR ACT

7-54. Application for Certification

1. **AUTHORITY.** To consider, approve, disapprove, withhold, deny, revoke, or suspend applications for certification pursuant to Section 206 of the Clean Air Act and regulations under that Section; to require any information or testing or otherwise take action under Section 206 and regulations under that Section; to consider, approve, disapprove or withhold approval of maintenance instructions under Section 207 of the Clean Air Act and regulations under that Section.
2. **TO WHOM DELEGATED.** Assistant Administrator for Air and Radiation.
3. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director level, or equivalent, and may be further redelegated to the Division Director level, or equivalent, and no further.
4. **ADDITIONAL REFERENCES.** 40 CFR 86.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-47, Noncompliance Penalty: Independent Calculation

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-47. Noncompliance Penalty: Independent Calculation (1200 TN 350 7-47)

1. **AUTHORITY.** To approve requisitions for contracts that assist in determining the amount of the penalty assessment or payment schedule in accordance with Section 120(c) of the Clean Air Act.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-46, Noncompliance Penalty: Review of Actual Expenditures and Adjustment of the Penalty

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-46. Noncompliance Penalty: Review of Actual Expenditures and Adjustment of the Penalty

1. **AUTHORITY.** Pursuant to regulations promulgated under the noncompliance penalty section of Section 120 of the Clean Air Act:
 - a. To adjust and re-adjust the amount of the penalty assessed or the payment scheduled for the purpose of meeting requirements of that section;
 - b. To, within 180 days of the sources' coming into compliance, either reimburse it for any overpayment or assess and collect an additional payment for any underpayment of a noncompliance penalty in accordance with the CAA.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, the regional administrator must consult with the assistant administrator for OECA.
 - b. The assistant administrator for OECA may exercise these authorities in multi-regional cases or in cases of national significance.
 - c. The assistant administrator for OECA must notify any affected regional administrator prior to exercising any of these authorities.
 - d. The assistant administrator for OECA may waive, in writing, the consultation requirement.
4. **REDELEGATION AUTHORITY.**

- a. These authorities may be redelegated to the division director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** Section 120(b)(8) and (9) and 120(d)(4) of CAA.

[Faint handwritten signature]



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-45, Noncompliance Penalty: Notice of Noncompliance

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-45. Noncompliance Penalty: Notice of Noncompliance (1200 TN 350 7-45)

1. **AUTHORITY.** Pursuant to regulations promulgated under the noncompliance penalty section, Section 120, of the Clean Air Act, to provide a brief but reasonably specific notice of noncompliance to each person who is not in compliance.
2. **TO WHOM DELEGATED.** The assistant administrator of the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, a regional administrator must consult assistant administrator for OECA.
 - b. The assistant administrator for OECA may exercise these authorities in multiregional cases or in cases of national significance.
 - c. The assistant administrator for OECA must notify any affected regional administrator prior to exercising any of the above authorities.
 - d. The assistant administrator for OECA may waive, in writing, the consultation requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120 of CAA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-44, Noncompliance Penalty: De Minimis Exemptions

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-44. Noncompliance Penalty: De Minimis Exemptions (1200 TN 350)

1. **AUTHORITY.** Pursuant to Section 120 of the Clean Air Act with regard to the requirements of the noncompliance penalty section where a particular instance of noncompliance is due to a violation which is de minimis in nature and duration:
 - a. To publish a notice and provide an opportunity for a public hearing.
 - b. To grant an exemption from the requirements.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, a regional administrator must consult with the assistant administrator for OECA.
 - b. The assistant administrator for OECA may exercise these authorities in multiregional cases or in cases of national significance.
 - c. The assistant administrator for OECA must notify any affected regional administrator prior to exercising any of the above authorities.
 - d. The assistant administrator for OECA may waive, in writing, consultation requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to division directors, or equivalent, and no further.

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. Section 120 of CAA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-43, Noncompliance Penalty: Granting of Exemptions

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance
Regional Administrators

7-43. Noncompliance Penalty: Granting of Exemptions (1200 TN 350 7-43)

1. **AUTHORITY.** Pursuant to Section 120(a)(2)(B) the Clean Air Act, to grant any exemptions from noncompliance penalties mandated by Section 120 of the CAA.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. Prior to granting an exemption for inability to comply for reasons entirely beyond the owner's control, the regional administrator must consult with the assistant administrator for OECA.
 - b. The assistant administrator for OECA may grant an exemption in cases that the assistant administrator initiated and must notify any affected regional administrator prior to exercising this authority.
 - c. The assistant administrator for OECA may waive, in writing, the consultation requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to division directors, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120(a)(2)(B) of CAA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-42, Noncompliance Penalty: Assessment in the Absence of State Action

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-42. Noncompliance Penalty: Assessment in the Absence of State Action (1200 TN 350 7-42)

1. **AUTHORITY.** Pursuant to regulations promulgated under Section 120 of the Clean Air Act:
 - a. To assess and receive payment of a noncompliance penalty against every person described in the noncompliance penalty section of the CAA where the state has a delegation in effect but fails to assess or collect the penalty as required.
 - b. To negotiate and sign consent agreements memorializing settlements between the U.S. Environmental Protection Agency and respondents prior to the issuance of a notice of noncompliance.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, the regional administrator must consult with the assistant administrator for OECA.
 - b. The assistant administrator for OECA may exercise these authorities in multiregional cases or in cases of national significance.
 - c. The assistant administrator for OECA must notify any affected regional administrator prior to exercising any of the above authorities.
 - d. The assistant administrator for OECA may waive, in writing, the consultation requirement.

- e. The EPA official who signs the notice of noncompliance should sign the settlement agreement.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the division director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. Section 120(A) and (B) of the CAA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-41B, Noncompliance Penalty: U.S. Environmental Protection Agency Representation in Hearings and Signing of Consent Agreements

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-41B. Noncompliance Penalty: Agency Representation in Hearings and Signing of Consent Agreements (1200 TN 350 7-41B)

1. AUTHORITY.

- a. To represent the U.S. Environmental Protection Agency in civil penalty adjudications conducted under the noncompliance penalty Section, Section 120(a) of the Clean Air Act and 5 U.S.C. Section 554.
- b. To negotiate consent agreements between the EPA and respondents resulting from such enforcement actions.
- c. To initiate an appeal from an administrative determination.
- d. To represent the agency in such appeals.

2. TO WHOM DELEGATED. Assistant administrator for Office of Enforcement and Compliance Assurance and regional administrators.

3. LIMITATIONS.

- a. Only the assistant administrator for OECA may exercise the authority to initiate appeals.
- b. The assistant administrator for OECA must notify any affected regional administrator before an appeal is initiated.
- c. The agency official who signed the complaint should sign the settlement agreement.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the division director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. Section 120 of the CAA.





THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-41A, Noncompliance Penalty: Assessment and Signing Consent Agreements

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-41A. Noncompliance Penalty: Assessment and Signing Consent Agreements (1200 350 7-41A)

1. **AUTHORITY.** Pursuant to Section 120 of the Clean Air Act:
 - a. To assess and receive payment of a noncompliance penalty against every person described in Section 120(a)(2)(A) of CAA.
 - b. To negotiate and sign consent agreements memorializing settlements between the U.S. Environmental Protection Agency and respondents under Section 120 of the CAA.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, the regional administrator must consult with the assistant administrator for OECA.
 - b. The assistant administrator for OECA may exercise these authorities in multiregional cases or in cases of national significance.
 - c. The assistant administrator for OECA must notify any affected regional administrator prior to exercising any of the above authorities.
 - d. The assistant administrator for OECA may waive, in writing, the consultation requirement;
 - e. The EPA official who signed the complaint should sign the settlement agreement.

4. REDELEGATION AUTHORITY.

- a. This authority may be relegated to the division director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.

A handwritten signature in dark ink, appearing to be "J. M. [unclear]", is located in the center of the page.

7-39. Economic Emergency Suspension of State Implementation Plan Requirements: Disapproval of Gubernatorial Orders

1200 TN 350

07/20/2016

1. **AUTHORITY.** To issue orders disapproving state temporary emergency suspensions which do not conform to the requirements of Section 110(g) of the Clean Air Act.
2. **TO WHOM DELEGATED.** Assistant administrator for Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** Orders issued in accordance with this delegation are effective upon signing but must be published immediately in the FEDERAL REGISTER.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the deputy assistant administrators for Enforcement and Compliance Assurance and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the officials to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-38, Prevention of Significant Deterioration: Administrative Enforcement

FROM:

Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator

Office of Enforcement and Compliance Assurance

Regional Administrators

7-38. Prevention of Significant Deterioration: Administrative Enforcement (1200 TN 350)

1. **AUTHORITY.** Pursuant to the Clean Air Act, to issue orders, pursuant to Sections 113(a)(5) and 167 to prevent construction or modification of a major emitting facility that does not conform to the requirements of Part C, Title I of CAA or that is proposed for construction or modification in any area included in the list promulgated pursuant to Section 107(d)(1)(D) or (E) and that is not subject to an implementation plan that meets the requirements of Part C, Title I.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. Regional administrators must consult with the assistant administrator for OECA before exercising the above authority.
 - b. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising this authority. The regional counsel, or equivalent, may waive concurrence in writing.
 - c. The assistant administrator for OECA may exercise these authorities in multiregional cases or cases of national significance.
 - d. The assistant administrator for OECA must notify any affected regional administrator before exercising this authority.
 - e. The assistant administrator for OECA may waive, in writing, consultation requirements.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the division director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. Injunctive relief is covered by the Chapter 7 delegations entitled "Civil Judicial Enforcement Actions" and "Emergency Temporary Restraining Orders."



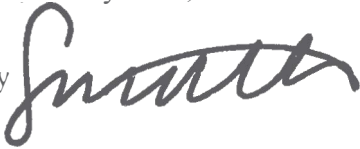
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-37, Administrative Enforcement Actions: New Source Review Orders

FROM: Gina McCarthy 

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-37. Administrative Enforcement Actions: New Source Review Orders (1200 TN 350)

1. **AUTHORITY.** Pursuant to the Clean Air Act, to determine that a state is not acting in compliance with a requirement of the Interpretive Ruling on nonattainment new source review referred to in Section 129(a)(1) of the CAA Amendments of 1977 or a plan provision required under the CAA, and upon such a determination, to issue a new source review order under Section 113(a)(5).
2. **TO WHOM DELEGATED.** Regional administrators and assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. An regional administrator must consult with the assistant administrator for OECA before exercising the above authority to issue administrative orders.
 - b. The assistant administrator for OECA may exercise these authorities in multi-regional cases or cases of national significance.
 - c. The assistant administrator for OECA must notify any affected regional administrator before exercising the above authority to issue administrative orders.
 - d. The assistant administrator for OECA may waive, in writing, consultation requirements.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, and no further.

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. Injunctive relief is covered by the Chapter 7 delegations entitled "Civil Judicial Enforcement Actions" and Emergency Temporary Restraining Orders."
- b. Section 110(a)(2)(I) of CAA.

7-32. Enforcement of Fuels and Fuel Additives Regulations

1200 TN 350 7-32
07/20/2016

1. **AUTHORITY.**

1. To determine whether a refiner has made reasonable good faith efforts to achieve compliance with the lead phase-down regulations, to monitor compliance with the lead phase-down regulations, to grant suspension of the 0.8 gram per gallon standard, to require any refiner to submit written reports, construction schedules, contracts, documents and other information, and in general, to enforce regulations pertaining to the lead phase-down program promulgated pursuant to Section 211(c) of the Clean Air Act (CAA).
2. To enforce the notification regulations, registration regulations, reporting regulations, fuels and fuel additives manufacturers assurances regulations, and in general, regulations pertaining to the fuels and fuel additives registration program promulgated pursuant to Sections 211(a) and (b) of the Clean Air Act.
3. To assess civil penalties for violations to the lead phase-down regulations and the fuels and fuel additives registration regulations, to remit or mitigate such penalties, to determine the facts in conjunction with such assessments, and to take all related and necessary action pursuant to Section 211(d) of the Clean Air Act.

2. **TO WHOM DELEGATED.** The assistant administrator for Enforcement and Compliance Assurance.

3. **LIMITATIONS.** None.

4. **REDELEGATION AUTHORITY.** The authority in those parts of 1.a concerning the monitoring of refiners' compliance with the lead phase-down regulations and the submission by refiners of information may be redelegated to the division director level. The other authorities may be redelegated to the deputy assistant administrators for Enforcement and Compliance Assurance and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been

5. **ADDITIONAL REFERENCES.** 40 CFR Part 79, 40 CFR Part 80.

1200 TN 585

11 06 06

CLEAN AIR ACT

7-26. Registration of Fuels and Fuel Additives

1. **AUTHORITY.** To register such fuels and fuel additives as are designated by regulation pursuant to Section 211(a) and (b) of the Clean Air Act.
2. **TO WHOM DELEGATED.** Assistant Administrator for Air and Radiation.
3. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director level, or equivalent, and may be further redelegated to the Division Director level, or equivalent, and no further.
4. **ADDITIONAL REFERENCES.** 40 CFR 79.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY


WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-22-D, Emergency Temporary Restraining Orders

FROM: Gina McCarthy

TO: Assistant Administrator 
Office of Enforcement and Compliance Assurance

Regional Administrators

7-22-D. Emergency Temporary Restraining Orders (1200 TN 350)

1. **AUTHORITY.** Pursuant to the Clean Air Act, including Sections 113(b), 204, 303, and 305, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrators must notify the assistant administrator for OECA before exercising this authority. The assistant administrator for OECA may waive the requirement for notification in writing.
 - c. The assistant administrator for OECA must notify the appropriate regional administrator before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division-director level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Federal Register 48,942 (1977).
- b. For referral of other civil actions under the CAA, see the Chapter 7 delegation titled "Civil Judicial Enforcement Actions."
- c. For issuance of emergency administrative orders, see the Chapter 7 delegation titled "Emergency Administrative Powers."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-22C, Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator

Office of Enforcement and Compliance Assurance

**7-22C. Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions
(1200 TN 350)**

1. AUTHORITY.

- a. To settle or exercise the U.S. Environmental Protection Agency's concurrence in the settlement of civil judicial enforcement actions under the Clean Air Act.
- b. To amend a consent decree issued under the CAA.
- c. To request the attorney general to amend a consent decree issued under the CAA.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. Except for Headquarters-initiated cases, the assistant administrator for OECA must obtain the concurrence of the appropriate regional administrator before exercising this authority.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the OECA division director level or equivalent and to the regional counsel or equivalent and no further, except that these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-22A. Civil Judicial Enforcement Actions, Including Collection Actions

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: General Counsel

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-22A. Civil Judicial Enforcement Actions, Including Collection Actions (1200 TN 350 7-22A)

1. AUTHORITY. Pursuant to the Clean Air Act, including Sections 114 and 307:

- a. To cause civil judicial actions to be commenced or to intervene in suits commenced pursuant to the Clean Air Act;
- b. to request the attorney general to appear and represent the agency in any civil enforcement action, including actions to collect unpaid penalties;
- c. to request the attorney general to decline to prosecute a previously referred civil judicial action or cease prosecution of a previously filed civil judicial action;
- d. to determine that the attorney general has failed or refused to appear and represent the agency in any CAA civil enforcement action or appeal;
- e. to appear and represent the agency in any CAA action where the attorney general has refused or failed to appear and represent the agency, exclusive of appeals;
- f. to request the attorney general to initiate an appeal and represent the agency in such an appeal; and
- g. to initiate an appeal and represent the agency when the attorney general fails to do so.

2. TO WHOM DELEGATED.

- a. The assistant administrator for the Office of Enforcement and Compliance Assurance may exercise the authorities in 1(a)-(g).
- b. The general counsel may exercise the authorities in 1(f) and (g).
- c. The regional administrators may exercise the authorities in 1(a)-(c) and 1(e).

3. LIMITATIONS.

- a. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authorities in 1(a)-(c). The regional counsel, or equivalent, may concurrence in writing.
- b. The OECA assistant administrator must notify the appropriate regional administrator prior to exercising the authorities in 1(a)-(d) and the authority to request or initiate an appeal in 1(f)-(g).
- c. Any exercise of the appeal authority will be done jointly by the general counsel and the OECA assistant administrator. Either office may waive joint exercise of authority to appeal in writing.
- d. The regional administrators must notify the OECA assistant administrator prior to exercising the authorities in 1(a) and (c) and when they exercising the authority in 1(b). The OECA assistant administrator may waive the notification in writing.

4. REDELEGATION AUTHORITY.

- a. The authorities in 1(a)-(c) may be redelegated to the division director level, or equivalent, and no further.
- b. The authority in 1(d) may be redelegated to the deputy OECA assistant administrator and no further.
- c. The authorities in 1(e) and 1(g) to represent the agency may be redelegated to the staff attorneys and no further.
- d. The authorities in 1(f) to request the attorney general to initiate an appeal of a civil judicial action and the authority in 1(g) to initiate an appeal of a civil judicial action may be redelegated to the deputy assistant administrator and deputy general counsel and no further.
- e. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Memorandum of Understanding between the agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).

- b. Direct referral agreement memorialized in letter of September 29, 1983, from Alvin L. Alm, Deputy Administrator, to F. Henry Habicht, Assistant Attorney General, regarding direct referrals; Sections 113(b), 204, 205, 302(a)(2), and 305 of CAA.
- c. For referrals of requests for emergency CAA Temporary Restraining Orders, see the Chapter 7 delegation entitled, "Emergency TRO's."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-17, Parts A and C of Title II of the CAA: Information Gathering

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Air and Radiation

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-17. Parts A and C of Title II of the CAA: Information Gathering (1200 TN 350 7-17)

1. **AUTHORITY.** To require, pursuant to Section 208(a) of the Clean Air Act, manufacturers of new motor vehicles or new motor vehicle engines, manufacturers of new motor vehicle or engine parts or components, and other persons subject to the requirements of Part A or Part C of Title II of the Act to establish and maintain records, perform tests where reasonably available under Part A and Part C of Title II of the Act (including fees for testing), make reports, and provide information that may be reasonably required in order to a) determine whether the manufacturer or other person has acted or is acting in compliance with Part A and Part C and the regulations thereunder, or b) otherwise carry out the provisions of Part A and Part C and the regulations thereunder.
2. **TO WHOM DELEGATED.** Assistant administrators for the Office of Air and Radiation and the Office of Enforcement and Compliance Assurance and the regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** 40 CFR 79, 80, 85, 86, 89-92, 94, 600, 1033, 1036, 1037, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1065, and 1068.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-16, Parts A and C of Title II of the Clean Air Act: Testing, Access and Entry

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the name in the "FROM:" field.

TO: Assistant Administrator
Office of Air and Radiation

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-16. Parts A and C of Title II of the CAA: Testing, Access and Entry (1200 TN 350 7-16)

1. **AUTHORITY.** Pursuant to the Clean Air Act, including Sections 206 and 208:

- a. To enter, at reasonable times, any plant or other establishment of such manufacturer for the purposes of conducting tests of vehicles or engines in the hands of the manufacturer, pursuant to Section 206(c)(1).
- b. To inspect, at reasonable times, records, files, papers, processes, controls, and facilities used by such manufacturer in conducting tests under the regulations pursuant to Section 206(c)(2).
- c. To have access to and copy records required by Section 208(a).
- d. For the purposes of enforcement of Section 208, to: (1) enter, at reasonable times, any establishment of the manufacturer or of any person whom the manufacturer engages to perform any activity required by Section 208(a) for the purposes of inspecting or observing any activity conducted pursuant to Section 208(a); and (2) to inspect records, files, papers, processes, controls and facilities used in performing any activity required by Section 208(a) by such manufacturer or by any person whom the manufacturer engages to perform any such activity or any other person subject to the requirements of Part A and Part B, pursuant to 208(a).
- e. To carry out any other inspection and information gathering activities authorized by Title II.

- f. To require the carrying out of any other inspection and information gathering activities authorized by Title II.
 - g. To designate persons who shall be authorized pursuant to Section 206(c) to perform the functions specified in paragraphs 1.a and 1.b.
 - h. To designate persons who shall be authorized pursuant to Section 208(a) of the CAA to perform the functions specified in paragraphs 1.c.
 - i. To designate persons who shall be authorized pursuant to Section 208(b) of the CAA to perform the functions specified in paragraphs 1.d and 1.e.
2. **TO WHOM DELEGATED.** Assistant administrators for the Office of Air and Radiation and the Office of Enforcement and Compliance Assurance and the regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
- a. The authorities in paragraphs 1.a-f may be redelegated to the staff level.
 - b. The authorities in paragraphs 1.g., 1.h and 1.i may be redelegated to the section chief level, or equivalent, and no further.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** 40 CFR 85, 86, 89-92, 94, 600, 1033, 1036, 1037, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1065 and 1,068.



Delegation of Authority

7-11.Grants and Cooperative Agreements for Investigations, Demonstrations, Surveys and Studies

1200 TN 476
3/3/99

1. **AUTHORITY.** To approve grants and cooperative agreements with air pollution control agencies; other public or nonprofit private agencies and organizations; and individuals for investigations, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution as authorized by subsection 103(b)(3) of the Clean Air Act.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Air and Radiation, the Assistant Administrator for Land and Emergency Response, and Regional Administrators.
3. **LIMITATIONS.** Agency Senior Resource Officials must review and approve grants and cooperative agreements when total project costs are over \$1 million.
4. **REDELEGATION AUTHORITY.**
 - a. The authority delegated to Regional Administrators may be redelegated to the Division Director level or equivalent and may not be redelegated further.
 - b. The authority delegated to the Assistant Administrator for Land and Emergency Management may be redelegated to the Office Director level or equivalent and may not be redelegated further.
 - c. The authority delegated to the Assistant Administrator for Air and Radiation may be redelegated to the Office Director level, or equivalent. For the Office of Mobile Sources residing in Ann Arbor, this authority may be further redelegated through the Director to the Deputy Director level, or equivalent. This authority may not be redelegated further than is specified here.
 - d. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Parts 30 and 31.
 - b. EPA Assistance Administration Manual.
 - c. Delegation 1-14, "Assistance Agreements" which delegates the authority to award (sign/execute) grants and cooperative agreements.
 - d. Delegation 7-138, "Grants and Cooperative Agreements Under Section 112 (l)(4) of the Clean Air Act for Development and Implementation of Programs".

- e. EPA Order 5700.1, "Policy for Distinguishing Between Assistance and Acquisition", March 22, 1994.
- f. EPA Order 1130.2A, "Senior Resource Officials and Resource Management Committee", November 6, 1995.
- g. Federal Grant and Cooperative Agreement Act, as amended, 31 U.S.C. Section 6301.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-8, Inspections and Information Gathering

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Air and Radiation

Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

7-8. Inspections and Information Gathering (1200 TN 350 7-8)

1. **AUTHORITY.** Pursuant to the Clean Air Act, including Sections 114 and 307:

- a. To enter, upon or through the premises of any person who owns or operates an emission source, who manufactures emission-control equipment or process equipment, whom the Administrator believes may have information necessary for the purposes set forth in CAA Section 114 or who is subject to any requirements of the CAA; and to enter premises where records required to be maintained under the CAA are located.
- b. To have access, at reasonable times, to inspect and copy any records and inspect monitoring equipment or methods, which are required under the CAA; and to sample any emissions, which are required to be sampled under the CAA.
- c. To require enhanced monitoring and submission of compliance certifications by any owner or operator of a major stationary source or any other person.
- d. To give notice to the states of inspections; and determine if such notices are not required.
- e. To require the owner or operator of any emission source or a person who manufactures emission control equipment or process equipment or any person whom the Administrator believes may have information necessary for the purposes set forth in CAA Section 114 or any person subject

to any requirement of the CAA to: establish and maintain records; make reports; install, use, and maintain monitoring equipment and use audit procedures or methods; sample emissions; keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; and provide other information as the Administrator may reasonably require.

- f. To obtain and execute warrants for the purpose of performing inspections or information gathering.
- g. To carry out any other inspection and information gathering activities authorized by the CAA.
- h. To require the carrying out of any other inspection and information gathering activities authorized by the CAA.
- i. To issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths and in case of contumacy or refusal to obey such a served subpoena to request the issuance of an order requiring persons to appear and give testimony, to appear and/or produce papers, books, and documents before the Administrator.
- j. To designate representatives of the Administrator to perform the functions contained in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, and 1.i.

2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Air and Radiation, the assistant administrator for the Office of Land and Emergency Management, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.

3. **LIMITATIONS.**

- a. The assistant administrator for OLEM can exercise these authorities only for purposes of implementing the CAA section 112(r) program.
- b. The assistant administrator for OECA, the assistant administrator for OLEM and the assistant administrator for OAR must notify the appropriate regional administrator prior to exercising inspection authority under paragraphs 1.a. through 1.h, except in the case of nationally managed programs.
- c. The assistant administrator for OAR and the assistant administrator for OLEM must consult with the assistant administrator for OECA prior to requesting warrants or issuing subpoenas.
- d. Regional administrators must consult with the regional counsel, or equivalent, prior to requesting warrants or issuing subpoenas.

4. **REDELEGATION AUTHORITY.**

- a. The authority in 1.a, 1.b, 1.f, 1.g and 1.i. may be redelegated to the staff level.
- b. The authority in 1.c, 1.d, 1.e, 1.h and 1.j. may be redelegated to the branch chief level, or equivalent, and no further.

- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 114(a) and (d) and 307(a) of the CAA.
- b. U.S. Environmental Protection Agency Order 3510, “EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities.”

Delegation of Authority

1200 TN 350 7-6B

05/11/1994

Administrative Update 02/04/2016

CLEAN AIR ACT

7-6B. Administrative Enforcement Actions: Agency Representation in Hearings and Negotiation of Consent Agreements.

1. **AUTHORITY.** To represent the EPA in administrative proceedings conducted under the Clean Air Act and to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions, to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.
2. **TO WHOM DELEGATED.** Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance must notify the Assistant Administrator for Air and Radiation or his designee and the appropriate Regional Administrator or his/her designee when an appeal is initiated.
4. **REDELEGATION AUTHORITY.**
 - a. The authority to represent the EPA in administrative proceedings and to negotiate consent agreements may be redelegated to staff attorneys in assigned cases.
 - b. Initiation of appeal authority may be redelegated to the Division Director level. This authority may be redelegated.
 - c. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Sections 113(d) and 205(c) of the Clean Air Act.
 - b. See Delegation 7-6-A, "Administrative Enforcement Actions: Issuance of Complaints and Orders, and Signing of Consent Agreements, etc."

Delegation of Authority

1200 TN 358
08/04/1994

CLEAN AIR ACT

7-6A. Administrative Enforcement Actions: Issuance of Complaints and Orders, and Signing of Consent Agreements, etc.

1. **AUTHORITY.**

- a. To make findings of violation, to issue notices of violation, to issue orders, to issue or withdraw complaints, to issue penalty orders, to issue administrative compliance orders, to give written notice of a proposed administrative penalty, to issue field citations, and to negotiate and confer with the alleged violator pursuant to the Clean Air Act (CAA), to sign consent agreements memorializing settlements between the Agency and respondents, and to compromise, modify or remit administrative penalties, except for new source review orders.
- b. To determine jointly with the Attorney General in accordance with the CAA the circumstances under which a matter involving a larger penalty or longer period of violation is appropriate for administrative penalty action.

2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.

3. **LIMITATIONS.**

- a. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases, cases of national significance or nationally managed programs. The Assistant Administrator for Enforcement and Compliance Assurance or his/her designee must notify any affected Regional Administrators or their designees when exercising any of the above authorities except for issuing notices of violations, issuing complaints, issuing field citations and making findings of violation.
- b. The Regional Administrator or his/her designee must obtain the concurrence of the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee before issuing the first three complaints and before signing the first three consent agreements in the administrative penalty program. In addition, the Regional Administrators or their designees must submit copies of all administrative complaints, all signed consent agreements and all penalty justification documentation to the Assistant Administrators for Enforcement and Compliance Assurance within 20 days from their issuance or signing. The Assistant Administrator for Enforcement

and Compliance Assurance or his/her designees may issue guidance concerning headquarters oversight of the administrative penalty program.

- c. The Assistant Administrator for Enforcement and Compliance Assurance may waive his/her consultation and concurrence requirements by memorandum.
- d. The Assistant Administrator for Enforcement and Compliance Assurance must concur in any determination regarding the authority delegated under paragraph 1.b.
- e. The Deputy Administrator may, based on the recommendation of the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee, withdraw any authority delegated to the Regional Administrators or impose additional concurrence or consultation requirements on a case-by-case basis, based on a determination that a Region has failed to adequately follow or implement guidance and policies concerning the administrative penalty program.

4. REDELEGATION AUTHORITY.

- a. The authority in paragraph 1.a and 1.b may be redelegated to the Division Director level.
- b. The authority in paragraph 1.a to negotiate and confer with the alleged violator pursuant to the CAA may be redelegated to attorneys in assigned cases.
- c. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Sections 113(a), 113(d), 113(e) and 205(c) of the Clean Air Act.
- b. Emergency administrative orders are covered by the Delegation 7-49, "Emergency Administrative Powers."
- c. Section 113(a)(5) new source review orders are covered by the Delegation 7-37, "Administrative Enforcement Actions: New Source Review Orders."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 19 2016

MEMORANDUM

SUBJECT: Delegation of Authority 2012-2015, Amendments to the Renewable Fuel Standard Program Regulations

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the name.

TO: Janet G. McCabe, Acting Assistant Administrator
Office of Air and Radiation

I hereby delegate authority as follows:

**7-179, 2012-2015 Amendments to the Renewable Fuel Standard Program Regulations
(1200 TN 640)**

1. **AUTHORITY.** Pursuant to 42 U.S.C. Sections 7414, 7542, 7545, and 7601(a), and in accordance with 40 CFR Part 80, the authority:
 - a. To issue a notice of intent to revoke a third-party auditor's registration and to take action to revoke such a registration pursuant to §80.1450(g)(11).
 - b. To revoke the approval of a quality-assurance plan for cause, including, but not limited to, a U.S. Environmental Protection Agency determination that the approved quality-assurance plan has proven to be inadequate in practice pursuant to §80.1469(e)(4).
 - c. To identify a potentially invalid renewable identification number and notify the party pursuant to §80.1474(b)(1).
 - d. To determine the validity of a renewable identification number for which an independent third-party auditor determined the demonstration to be satisfactory pursuant to §80.1474(b)(4)(ii)(C)(1).
 - e. To determine the validity of a renewable identification number for which an independent third-party auditor determined the demonstration to be not satisfactory pursuant to § 80.1474(b)(4)(ii)(C)(2).
 - f. To notify an independent third-party auditor of a party's failure to take corrective action pursuant to §80.1474(b)(5).

- g. To specify forms and procedures for retirement of renewable identification numbers pursuant to §80.1474(g).

2. TO WHOM DELEGATED. Assistant administrator for OAR.

3. LIMITATIONS.

- a. The assistant administrator for OAR or her or his designee must consult with the assistant administrator for the Office of Enforcement and Compliance Assurance or her or his designee when exercising the authorities in 1.a-1.f.
- b. Nothing in delegation of authority 7-179 is intended to override delegation of authority 7-8.

4. REDELEGATION AUTHORITY.

- a. The authorities delegated in 1.a., above, may be redelegated to the division-director level or equivalent, and no further.
- b. With the exception of the authorities listed in 4.a., above, all other authorities contained in this delegation may be redelegated to the branch-chief/center-director level or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. 40 C.F.R. §§ 141.28, 142.10(b)(3)-(4).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 28 2016

MEMORANDUM

SUBJECT: Delegation of Authority for Approval of Assistance Agreements and Administration of the Targeted Air Shed Grant Program

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Janet G. McCabe, Acting Assistant Administrator
Office of Air and Radiation

Regional Administrators

I hereby delegate to the assistant administrator for the Office of Air and Radiation and to regional administrators the authority for approval of assistance agreements and administration of the Targeted Air Shed Grant program.

7-178. Approval of Assistance Agreements and Administration of the Targeted Air Shed Grant Program (1200 TN 634)

1. **AUTHORITY.** Fiscal year appropriations acts containing a line item for Targeted Air Shed Assistance Agreements to be awarded by the U.S. Environmental Protection Agency.
 - a. To establish a competitive grant program to reduce air pollution in the nation's areas with the highest levels of ozone and fine-particulate-matter pollution using values calculated from the EPA's air-quality data.
 - b. To assist local, state and/or tribal air-pollution-control agencies in developing plans, conducting demonstrations and implementing projects to carry out emission reductions designed to reduce air pollution in nonattainment areas.
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Air and Radiation and regional administrators.
3. **LIMITATIONS.** No limitations.
4. **REDELEGATION AUTHORITY.**
 - a. May be redelegated to headquarters' office directors, regional air-division directors, and no further.
 - b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of the delegated authority.
 - c. An official who redelegates authority may revoke such redelegation at any time.

5. **REFERENCES.** Previous appropriations acts, including Consolidated Appropriations Act, 2010, P.L.111-88; Consolidated Appropriations Act, 2015, P.L. 113-117; and Consolidated Appropriations Act, 2016, P.L. 114-113, to award Targeted Air Shed Assistance Agreements.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP - 2 2015

MEMORANDUM

SUBJECT: Delegation of Authority 7-177 Enforcement of the Requirements
for Stratospheric-Ozone Protection in all U.S. Environmental Protection Agency Regions

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Regional Administrators

I hereby delegate to the Region 5 administrator, as the national ozone-depleting-substances center of excellence manager, the authority to take action to enforce the federal requirements for stratospheric-ozone protection in all U.S. Environmental Protection Agency regions, pursuant to 40 C.F.R. Part 82 and Title VI of the Clean Air Act.

7-177. Enforcement of the Requirements for Stratospheric-Ozone Protection in all EPA Regions (1200 TN 629)

1. **AUTHORITY.** The authorities as specified in delegations 7-6A, 7-6B, 7-6C, 7-8, 7-22A and 7-22C pursuant to the Clean Air Act as applied to conducting inspections, information gathering, enforcement and settlement of enforcement actions for the requirements for protecting stratospheric ozone, including requirements relating to substitutes for ozone-depleting substances. These authorities will continue to apply in all EPA regions.
2. **TO WHOM DELEGATED.** In addition to the delegates specified in the delegations identified in section 1, these authorities are delegated to the Region 5 administrator, as the national ozone-depleting-substances center of excellence manager, to take action outside the geographic boundary of Region 5 on behalf of other regions.
3. **LIMITATIONS.**
 - a. The authorities in section 1 are limited as specified in delegations 7-6A, 7-6B, 7-6C, 7-8, 7-22A and 7-22C.
 - b. The authorities in section 1 that are the subject of this delegation are limited to conducting inspections, information gathering, enforcement and settlement of enforcement actions pursuant to the requirements for protecting stratospheric ozone pursuant to 40 C.F.R. Part 82 and Title VI of the CAA.
 - c. Any region may refer a Part 82 matter to Region 5 for further investigation and/or enforcement; Region 5 may accept or decline the referral.
 - d. Before exercising the authorities in section 1, for matters located in whole or in part outside of Region 5, the delegatee in section 2 must notify the regional administrator or designee of the affected region. A region may elect to waive this limitation, if it so wishes, by notifying Region 5 of such waiver in writing.

- e. Before exercising the authorities in section 1, each regional administrator or designee must notify Region 5's administrator or designee of any Part 82 investigation or enforcement action that he or she is pursuing.

4. REDELEGATION AUTHORITY.

- a. The authority in 7-6A, 7-6B, 7-8 and 7-22 may be redelegated to the division-director level.
- b. The authority in 7-6B and 7-22A to negotiate on behalf of the agency, represent the agency in administrative and civil judicial enforcement actions and represent the agency in appeals may be further redelegated to staff attorneys in assigned cases.
- c. The authority in 7-6C may be redelegated to the Region 5 regional judicial officer.

5. ADDITIONAL REFERENCES.

- a. Sections 601-618 of the CAA, 42 U.S.C. Sections 7671-7676q, as amended.
- b. 40 C.F.R. Part 82.
- c. Office of Enforcement and Compliance Assurance Budget Adjustment Plan – August 2012.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP - 2 2015

MEMORANDUM

SUBJECT: Delegation of Authority for the Region 5 Administrator to Conduct Inspections, Gather Information and Enforce the Standards for Stratospheric-Ozone Protection in all U.S. Environmental Protection Agency's Regions

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Regional Administrators

I hereby grant the Region 5 administrator, as the national ozone-depleting-substances center of excellence manager, the authority to conduct inspections and gather information related to ozone-depleting-substances compliance and to enforce the standards for stratospheric-ozone protection in all regions pursuant to 40 C.F.R. Part 82 and Title VI, Sections 601-618 of the Clean Air Act. This delegation authorizes the Region 5 administrator to pursue investigation and enforcement actions for other regions, as contemplated by the consolidation of ozone-depleting-substances compliance monitoring and enforcement in Region 5 by the Office of Enforcement and Compliance Assurance's 2012 Budget Adjustment Plan.

This delegation does not remove these authorities from any other regional administrator, but instead gives concurrent authority to the Region 5 administrator. Any region may refer ozone-depleting-substances matters to Region 5. If Region 5 determines that a matter merits further monitoring or enforcement, this delegation requires the Region 5 administrator to notify the regional administrator or designee of the region in which a proposed action is located. Additionally, each regional administrator or designee must notify the Region 5 administrator or designee of any ozone-depleting-substances enforcement action that he or she is pursuing.

This delegation of authority is effective upon the date of approval unless terminated or superseded by a subsequent delegation(s). This authority may be redelegated to the division-director level in Region 5. If the authority is redelegated, all officials in the management chain of the redelegatee retain the authority to exercise the delegated duties.



Delegation of Authority

1200 TN 616
05/22/2015

7-174. Minor and Major Nonattainment New Source Review Permits in Indian Country

1. **AUTHORITY.** To take any action assigned to the U.S. Environmental Protection Agency Administrator necessary to fully implement the federal minor New Source Review program in Indian Country and the federal major New Source Review program for nonattainment areas in Indian Country promulgated pursuant to 42 U.S.C. Sections 7601(a) and 7601(d)(4) and in accordance with 40 CFR Part 49.151-161 and 49.166-173, respectively.
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION OF AUTHORITY.**
 - a. The authority to issue permits and take other related permitting actions for the federal minor New Source Review program in Indian Country may be redelegated to the branch chief level or first-line supervisor level (e.g. unit manager, section chief) in the regions or equivalent, and no further.
 - b. The authority to issue permits and take other permitting related actions for the federal major New Source Review program for nonattainment areas in Indian Country may be redelegated to the division director level in the regions or equivalent, and no further.
 - c. An official who redelegates authority does not divest himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 612
03/11/2011

CLEAN AIR ACT

7-172 Redesignate Indian Country to Attainment for any National Ambient Air Quality Standard Where no Tribe is Authorized to Request Such Redesignation, and to Reclassify Indian Country within Ozone Nonattainment Areas to Higher Classifications in Conjunction with a State Request for Voluntary Reclassification

1. **AUTHORITY.** To redesignate Indian Country within air quality planning areas as defined in 40 CFR part 81, subpart C, to attainment for any National Ambient Air Quality Standard where no tribe is authorized to request such redesignation, and to reclassify Indian Country within existing ozone nonattainment areas to higher classifications in conjunction with a state request for voluntary reclassification under sections 107(d), 181(b)(3), 301(a) and 301(d)(4) of the Clean Air Act, 42 U.S.C. §§ 7407(d), 7511(b)(3), 7601(a) and 7601(d)(4).
2. **TO WHOM DELEGATED.** EPA Regional Administrators
3. **LIMITATIONS.** This delegation applies only to Indian Country located within Regions I through X, and is subject to the following limitations:
 - a. Prior to proposing action to redesignate or reclassify Indian Country, the Regional Administrator or his/her designee must offer consultation in advance to affected tribes, and notify the Director of the Office of Air Quality Planning and Standards (OAQPS), or his/her designee;
 - b. In discussions with affected tribes expressing disagreement with a proposed action to redesignate or reclassify Indian Country, the Regional Administrator, or his/her designee, must consult with designated representatives of the Director of OAQPS; and
 - c. Prior to taking any final action on a proposal to redesignate or reclassify Indian Country, the Regional Administrator or his/her designee must consult in advance with the General Counsel or his/her designee when adverse comments are received.

This Delegation of Authority is limited to the purposes stated above.

4. **REDELEGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.** Delegations 7-10 and 7-110



Delegation of Authority

1200 TN 609
10/14/2010

7-171 Assistance Agreements and Administration of the Climate Showcase Communities Grant Program

1. **AUTHORITY:** Department of Interior, Environment and Related Agencies Appropriations Act 2010 PL.111-8 and any subsequent appropriation acts authorizing funding for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions or a successor grant program authorizing EPA to fund the same types of activities.
2. **TO WHOM DELEGATED:** Assistant Administrator for the Office of Air and Radiation
3. **REDELEGATION AUTHORITY:** This Authority may be re-delegated to the Office Director level and no further.
4. **LIMITATIONS:** This delegation does not include the authority to approve funding for basic scientific research that falls under the purview of the Environmental Protection Agency's Office of Research and Development or any successor to ORD.
5. **ADDITIONAL REFERENCES:** None



Delegation of Authority

1200 TN 606

04/27/2010

CLEAN AIR ACT

7-170. Acceptance of Donated Property Under Section 104 of the Clean Air Act.

1. **AUTHORITY.** To accept donations of property pursuant to Section 104 (b)(4) of the Clean Air Act (CAA).
2. **TO WHOM DELEGATED.** Assistant Administrator, Office of Air and Radiation (OAR), and the Assistant Administrator, Office of Research and Development (ORD).
3. **LIMITATIONS.**
 - a. This delegation provides authority to accept donations of the items specified at section 104(b)(4) of the CAA including personal property in the form of equipment but does not include the authority to accept funds.
 - b. Agency employees may not directly or indirectly solicit or accept donations under CAA 104(b)(4) from parties that EPA directly regulates or has a direct financial relationship with under a contract, assistance agreement or similar instrument but may respond to questions from parties who are otherwise interested in making unsolicited donations. This limitation does not apply to soliciting donations from organizations such as foundations that EPA does not directly regulate nor has a direct financial relationship.
 - c. The Assistant Administrators of OAR and ORD or their designees must consult with:
 - (i) The Director of the Office of Administration, or his or her designee, if the donation involves accepting real or personal property, and/or
 - (ii) The General Counsel, or his or her designee, if the donation involves patent applications, patents or licenses.

- d. Approval to accept the item(s) must be obtained through the relevant Deputy Ethics Official.

This delegation is limited to the purposes stated above and may be exercised only within the limitations of Section 104 of the Clean Air Act.

- 4. **REDELEGATION AUTHORITY.** This authority may be re-delegated to the Office Director level or equivalent within the Office of Air and Radiation and the Office of Research and Development, and no further.
- 5. **ADDITIONAL REFERENCES.** Under the Standards of Ethical Conduct for Employees of the Executive Branch, employees shall not, directly or indirectly, solicit or accept any gift. 5 C.F.R. § 2635.202(a).



Delegation of Authority

CLEAN AIR ACT

7-169 Mandatory Reporting of Greenhouse Gases

1200 TN 605
12/18/2009

1. AUTHORITY.

- a. To implement generally 40 CFR Part 98 regarding the Mandatory Reporting of Greenhouse Gases, pursuant to Section 114 of the Clean Air Act.
- b. To approve and deny requests for extensions of the use of best available monitoring methods under 40 CFR 98.3(d)(2), pursuant to Section 114 of the Clean Air Act.
- c. To review, accept and reject certificates of representation and related documents from designated representatives under 40 CFR 98.4, pursuant to Section 114 of the Clean Air Act.

2. TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

3. LIMITATIONS. This delegation does not change the existing authorities of the Assistant Administrator for Enforcement and Compliance Assurance to enforce the requirements of the Clean Air Act, including but not limited to Sections 113 and 114 of the Clean Air Act.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Branch Chief level, or equivalent, and no further.

5. ADDITIONAL REFERENCES. None.

CLEAN AIR ACT

7-168 Implementation of the Control of Hazardous Air Pollutants from Mobile Sources, February 26, 2007 Final Rulemaking

1200 TN 604
07/20/2016

1. **AUTHORITY.** Pursuant to 42 U.S.C. sections 7411, 7511b(e), 7521, 7525, 7541, 7542, 7545(c), and 7601, and in accordance with 40 CFR parts 59, 80 and 86, the authority to:
 - a. Request records related to new and in-use portable fuel containers per §59.602(c)(1).
 - b. Enter a facility to observe tests or inspect facilities, and request tests pursuant to §59.602(d).
 - c. Assess and recover penalties, and bring civil or criminal actions pursuant to §59.602(h).
 - d. Request a written description of engineering judgment and specify the response time per §59.603(b).
 - e. Reject a decision if it is not based on good engineering judgment or is otherwise inconsistent with the applicable requirements, per §59.603(c).
 - f. Suspend, revoke or void a certificate of conformity according to §59.603(c)(1).
 - g. Provide notification of possible incorrect or invalid submission according to §59.603(c)(2).
 - h. Determine that a request raises a substantial factual issue and hold a hearing, per §59.603(d).
 - i. Require an officer or authorized representative to approve and sign information submissions and to certify that the information is accurate and complete, per §59.607(b).
 - j. Approve emission control features for safety or other reasons according to §59.611(c)(1)(ii).
 - k. Approve modified labeling requirements according to §59.615(e).
 - l. Allow another manufacturer to hold the certificate of conformity for a container according to §59.621.

- m. Make a finding that containers are not meeting the standards in use during their useful life and require new certification prior to the end of the production period, per §59.622(a).
- n. Ask for less information than specified in the subpart according to §59.622(c).
- o. Issue a certificate according to §59.622(g).
- p. Require additional information under §59.623.
- q. Ask for more test data under §59.624(c).
- r. Determine whether an existing certificate of conformity covers a new or modified configuration per §59.624(d).
- s. Determine that the affected configurations do not meet the applicable requirements and notify the manufacturer to cease production of the configuration according to §59.624(e).
- t. Require a manufacturer to recall any affected containers already distributed, including those sold to the ultimate purchaser, according to §59.624(e).
- u. Measure emissions from any products and perform confirmatory testing under §59.626(c).
- v. Require a manufacturer to test a second unit or the same or different configuration per §59.626(e).
- w. Reject data generated using an alternate procedure and base a compliance determination on later testing per §59.626(f).
- x. Review records according to §59.628(c).
- y. Ask for copies of maintenance instructions or explanations per §59.628(d).
- z. Determine that an application is complete and issue a certificate of conformity for the specified time period, and include additional conditions per §59.629(a).
- aa. Deny an application for certification according to §59.629(b).
- ab. Deny an application or suspend, revoke, or void a certificate according to §59.629(c).
- ac. Test any portable fuel container according to §59.630.
- ad. Request a prototype container or reasonable number of production samples for verification testing per §59.630(a).
- ae. Test in-use containers without preconditioning per §59.630(b).

- af. Specify alternative definitions for "procedures" and "test procedures" according to §59.650(b).
- ag. Perform other testing as allowed by the Act per §59.652(b).
- ah. Allow or require the use of other procedures per §59.652(c).
- ai. Approve a request to use special procedures as specified in §59.652(c) (1).
- aj. Approve a request to use emission data collected using other procedures, according to §59.652(c) (2).
- ak. Determine that omission of one or more of the durability steps will not affect the emissions from a container, per §59.653(a).
- al. Approve the use of special test procedures per §59.653(a) (1).
- am. Exempt portable fuel containers from the evaporative emissions standards and the requirements of §59.611 and the prohibitions and requirements of §59.602, according to §59.660.
- an. Limit an exemption to certain applications per §59.660(d).
- ao. Impose reasonable conditions on any exemption according to §59.660(e).
- ap. Exempt a manufacturer from the evaporative emissions standards and requirements of §59.611 and the prohibitions and requirements of §59.602 for specified portable fuel containers according to §59.662(a).
- aq. Request other relevant information related to an exemption per §59.662(d).
- ar. Include reasonable additional conditions on an approval of an exemption per §59.662(e).
- as. Approve, review and revise renewable extensions of an exemption per §59.662(f).
- at. Extend the compliance deadline for a manufacturer under hardship to meet new emissions standards according to §59.663.
- au. Request other relevant information per §59.663(e).
- av. Include reasonable requirements on an approval per §59.663(h).
- aw. Approve, review and revise renewable extensions per §59.663(i).

- ax. Require a manufacturer to post a bond if importing containers into the United States per §59.664.
- ay. Set the value of a bond per §59.664(b).
- az. Store confidential information and disclose such information according to §59.695(b).
- ba. Assume a copy contains nothing confidential and release it according to §59.695(c).
- bb. Make information available to the public according to §59.695(d).
- bc. Inspect portable fuel containers, testing, manufacturing processes, storage facilities, or records to enforce the provisions of this subpart according to §59.698(a).
- bd. Seek a warrant or court order authorizing an inspection according to §59.698(c).
- be. Select any facility according to §59.698(d).
- bf. Request in writing to see a particular employee at an inspection per §59.698(e).
- bg. Suspend a certificate if we are not allowed to inspect a manufacturer's foreign facility according to §59.698(f).
- bh. Approve a request for a hearing under §59.699(b).
- bi. Use the procedures specified in 40 CFR part 1068, subpart G per §59.699(c).
- bj. Act on a benzene baseline application under §80.1285(d).
- bk. Notify a refiner of approval of the refinery's benzene baseline or deficiencies in the benzene baseline application per §80.1285(e).
- bl. Notify a refiner of a corrected benzene baseline as provided in §80.1285(f).
- bm. Determine that gasoline benzene credits are invalid per §80.1295(b) (2).
- bn. Approve a refinery for early compliance in the gasoline benzene program according to §80.1334.
- bo. Request additional information for refinery early compliance under the gasoline benzene program per §80.1334(b) (6).
- bp. Find that a refiner submitted false or inaccurate information in its application for early compliance under the gasoline benzene program and void the early compliance approval ab initio pursuant to §80.1334(d).

bq. Request other relevant information under §80.1335(b) (2) that show the refiner's best efforts to comply with gasoline benzene standards under the Gasoline Benzene Program.

br. Determine an appropriate period of time for extended deficit carry-forward under §80.1335(c) (1).

bs. Determine an appropriate period of time for a hardship waiver from the maximum average benzene standard pursuant to §80.1335(c) (2).

bt. Impose reasonable conditions on relief provided to refiners, including rescinding or reducing the period of time for extended deficit carry-forward under §80.1335 for appropriate reasons, as provided for in §80.1335(d).

bu. Permit a refinery or importer to exceed the allowable average benzene levels specified in §80.1230(a) or (b) according to §80.1336 due to extreme, unusual, and unforeseen circumstances.

bv. Approve additional time for a refinery to comply with the standards at §80.1230 based on information provided by the refiner and other relevant information according to §80.1339(e) (3).

bw. Act on a petition for an alternative corporate crude oil capacity per §80.1340(c) (2).

bx. Act on a refiner's small refinery application and notify the refiner by letter per §80.1340.

by. Find that a refiner provided false or inaccurate information in its small refiner status verification letter and void the refiner's small refiner status ab initio per §80.1340(f).

bz. Approve a delay of the requirements at §80.1230(a) for an approved small refiner when purchase of benzene credits is not feasible per §80.1343(a).

ca. Approve up to an additional 6 months to comply with the benzene requirements at §80.1230 for non-small refiners that acquires one or more small refiners based on information provided by the refiner and other relevant information according to §80.1344(b).

cb. Request records related to compliance with the gasoline benzene program according to §80.1350(d).

cc. Require other information to be reported pursuant to §80.1354.

cd. Specify forms and procedures for submittal of reports per §80.1354(d) (1).

ce. Make determinations for foreign refinery baselines pursuant to §80.1363.

cf. Approve an independent third party related to load port independent sampling and testing according to §80.1363(f) (4).

cg. Approve an auditor for foreign refiners' attest engagements according to §80.1363(h) (7) (ii).

ch. Conduct inspections and audits according to §80.1363(i) (1).

ci. Agree in advance to a bond from a third party surety and the nature of a surety agreement per §80.1363(k) (2) (ii).

cj. Agree in advance to an alternative commitment (to a bond from a third party surety) per §80.1363(k) (2) (iii).

ck. Approve a petition from a foreign refiner whose certified Benzene-FRGAS is transported into the U.S. by truck to use alternative procedures according to §80.1363(p) (1).

cl. Withdraw or suspend a foreign refiner's benzene baseline or standard approval for a foreign refinery according to §80.1363(q).

cm. Make a provisional finding that a foreign refiner's baseline is complete pursuant to §80.1363(r).

cn. Specify forms and procedures for petitions, reports and certificates from foreign refiners according to §80.1363(s).

co. Verify that appropriate and sufficient non-methane hydrocarbon (NMHC) credits have been obtained, or were generated, pursuant to §85.1515(c) (8) (iv).

cp. Issue a certificate to an independent commercial importer (ICI) if the ICI has also obtained a certificate of conformity for vehicles certified using a cold temperature NMHC family emission level lower than required under §§85.1515(c)(8)(i) and (ii), per §80.1515(c)(8)(v).

cq. As necessary, condition the certificates of conformity issued to ICIs, pursuant to §85.1515(c) (8) (vii).

cr. Test or require testing on any vehicle, pursuant to §86.1809-10(b) for the purposes of investigating a potential defeat device.

cs. Use a guideline to determine the appropriateness of the carbon monoxide (CO) and NMHC emission control at ambient temperatures, per §86.1809-10(c).

ct. Determine that a test result in question is not due to a defeat device, per §86.1809-10(c) (1).

cu. Investigate a vehicle's design for the presence of a defeat device pursuant to §86.1809-10(c) (2).

cv. Designate vehicle designs to be investigated for possible defeat devices per §86.1809-10(d).

cw. Determine that a vehicle design does not incorporate strategies that unnecessarily reduce emission control effectiveness per §86.1809-10(d) (1).

cx. Request an explanation from a manufacturer containing detailed information for testing programs, engineering evaluations, design specifications, calibrations, on-board computer algorithms, and design strategies incorporated for operation both during and outside the Federal emissions test procedure as specified in §86.1809-10(d)(2)(i).

cy. Determine that CO and NMHC emissions are reasonably controlled in reference to the linear guideline across the intermediate temperature range per §86.1809-10(d) (2) (ii).

cz. Determine that a discontinuity in emissions does not occur pursuant to §86-1809-10(e).

da. Evaluate emission data according to §86.1810-09(f) (2).

db. Accept evaporative emissions data per §86.1811-09(e) (7).

dc. Approve an alternate phase-in schedule for cold temperature NMHC standards per §86.1811-10(g) (4).

dd. Verify compliance with the alternate phase-in schedule according to phase in for cold temperature NMHC standards §86.1811(g) (5) (ii).

de. Approve a petition to allow actual volume produced for U.S. sales to be used in lieu of projected U.S. sales, according to §86.1811-10(g) (6) (ii).

df. Approve procedures for calculating a separate durability factor (DF) per §86.1823-01(a) (3) (i) (C).

dg. Approve alternate test procedures for cold temperature CO and cold temperature NMHC testing under §86.1829-01(b) (3).

dh. Request engineering emission data to quantify any emissions impact and validity of an auxiliary emissions control device (AECD) per §86.1844-01(d) (11).

di. Determine that the terms and conditions upon which the certificate(s) of conformity was (were) issued were satisfied for Tier 2 and interim non-Tier 2 vehicles, according to §86.1848-10(c) (7).

dj. Determine that the terms and conditions upon which the certificate(s) of conformity was (were) issued were satisfied for light duty vehicles/ light light duty trucks (LDV/LLDTs) and heavy light duty trucks/ medium duty passenger vehicles (HLDT/MDPVs) according to §86.1848-10(c) (8).

dk. Approve alternative vehicle testing procedures for demonstrating compliance with cold temperature NMHC standards per §86.1864-10(k).

dl. Review each manufacturer's sales to designate the vehicles that caused the exceedance of the corporate average standard according to §86.1864-10(n) (6) (iv).

dm. Determine the number of vehicles for which the condition on the certificate was not satisfied and designate vehicles according to §86.1864-10(o) (8) (iii).

dn. Reject NMHC credit trades according to §86.1864-10(o) (9) (i).

do. Void ab initio the certificates of conformity of all engines according to §86.1864-10(o) (9) (ii).

dp. Review records maintained by manufacturers according to §86.1864(p)(1)(iii).

dq. Require additional records to be retained or require submission of additional information per §86.1864-10(p) (1) (iv).

dr. Request that information retained be submitted per §86.1864-10(p) (1) (v).

ds. Void ab initio the certificates of conformity for certified vehicles for which the manufacturer fails to retain the required records or fails to provide such information upon request pursuant to §86.1864-10(p)(1)(vi).

dt. Determine that a reporting error occurred on an annual report according to §86.1864-10(p) (2) (v).

du. Void erroneous credits and adjust erroneous debits according to §86.1864-10(p) (2) (v).

dv. Adjust the selling manufacturer's credit balance to reflect the sale of credits and any resulting credit deficit per §86.1864-10(p) (2) (v).

dw. Offer the affected manufacturer an opportunity for a hearing under §86.1864-10(p) (3).

2. TO WHOM DELEGATED.

a. Authorities (d)-(ay), (bg)-(bl), (bn), (bo), (bq)-(bt), (bv)-(bx), (bz), (ca), (cd), (ce), (cm)-(cq), (cz)-(do), (ds), and (du)-(dw) are delegated to the assistant administrator for Air and Radiation.

b. Authorities (c), (bm), (bp), (bu), (by), and (cf)-(cl) are delegated to the assistant administrator for Enforcement and Compliance Assurance.

c. Authorities (a), (b), (az)-(bf), (cb), (cc), (cr)-(cy), (dp)-(dr) and (dt) are delegated to both the assistant administrator for Air and Radiation and the assistant administrator for Enforcement and Compliance Assurance.

3. LIMITATIONS.

a. The assistant administrator for Air and Radiation, or his or her designee, must notify the assistant administrator for Enforcement and Compliance Assurance, or his or her designee, when exercising the authorities in (f) [if voiding a certificate], (j)-(m), (s), (t), (ab) [if voiding a certificate], (ap), (at), (bd), (bn), (br)-(bt), (bw), (bz), (ca), (cd), (ce), (cn), (cr)-(cy), and (dn)-(dv).

b. The assistant administrator for Air and Radiation, or his or her designee, must notify the General Counsel, or his or her designee, when exercising the authorities in (f) [if voiding a certificate], (h), (ab) [if voiding a certificate], (bh), (do), (ds), and (dw).

c. The assistant administrator for Air and Radiation, or his or her designee, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or his or her designee, when exercising the authorities in (dl) and (dm).

d. The assistant administrator for Enforcement and Compliance Assurance, or his or her designee, must notify the assistant administrator for Air and Radiation, or his or her designee, when exercising the authorities in (bd), (cr)-(cy), (dp)-(dr), and (dt).

e. The assistant administrator for Enforcement and Compliance Assurance, or his or her designee, must consult with the assistant administrator for Air and Radiation, or his or her designee, when exercising the authorities in (bp), (bu), (by), and (cl).

4. REDELEGATION AUTHORITY.

a. The authority delegated in (bu) may be redelegated to the deputy assistant administrators for Enforcement and Compliance Assurance.

b. The authorities delegated in (f), (h), (s), (t), (aa), (ab), (af), and (bt) may be redelegated to the office director level, or equivalent, and no further.

c. The authorities delegated in (c)-(e), (g), (i)-(m), (o), (q), (r), (v), (w), (z), (ah)-(al), (ax), (ay), (bg)-(bj), (bp), (bv)-(bz), (ca), (ce), (cl), (cp), (cq), (dg), (dk), (dn), (do), (ds), (du), and (dw) may be redelegated to the division director level, or equivalent, and no further.

d. With the exception of the authorities listed in 4a, 4b, and 4c above, all other authorities contained in this delegation may be redelegated to the group manager or branch chief level, or equivalent, and no further.

e. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES**. None.



Delegation of Authority

TN 602
02/02/2009

Emergency Economic Stabilization Act of 2008, Section 206

7-167. Idle Reduction Devices Exempt from Federal Excise Tax

1. **AUTHORITY.** Pursuant to Section 206 of the Emergency Economic Stabilization Act of 2008 (Pub. L. 110-343), the authority to determine eligible idle reduction devices for the federal excise tax exemption.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Air and Radiation.
3. **LIMITATIONS.** No limitations to the delegation are necessary.
4. **REDELEGATION AUTHORITY.** This authority may be re-delegated to the Division Director level, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.** 26 U.S.C. §§ 4051, 4052, 4053



Delegation of Authority

TN 601
02/02/2009

Energy Independence and Security Act of 2007, Section 141

7-166. Issuance of Guidance for Federal Agencies - Low Greenhouse Gas Emitting Vehicles for Federal Fleets

1. **AUTHORITY.** Pursuant to Section 141 of the Energy Independence and Security Act of 2007, 42 U.S.C. § 13212, the authority to issue guidance that defines low greenhouse gas emitting vehicles and identifies, by make and model, light duty and medium duty passenger vehicles that are low greenhouse gas emitting vehicles.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Air and Radiation.
3. **LIMITATIONS.** No limitations to the delegation are necessary.
4. **REDELEGATION AUTHORITY.** This authority may be re-delegated to the Division Director level, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 K. Application for Certification

1200 TN 599

06/30/2008

AUTHORITY. To consider, approve, disapprove, withhold, deny, revoke, or suspend applications for certification pursuant to CAA sections 206, 111, 112, or 213(d) and regulations implementing those sections; to require any information or testing or otherwise take action under sections 206, 111, 112, or 213(d) and regulations implementing those sections; to consider, approve, disapprove or withhold approval of maintenance instructions under sections 207, 111, 112, or 213(d) and regulations implementing those sections.

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

ADDITIONAL REFERENCES . 40 CFR 60, subparts IIII and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 86, 89-92, 94, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1068 .



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 J. Importation of Nonroad Vehicles, Engines, and Equipment, and Stationary Engines and Equipment Selective Enforcement Auditing Procedures

**1200 TN 599
06/30/2008**

AUTHORITY. To make a determination that nonroad vehicles, engines, or equipment, or stationary engines or equipment imported into the United States have been modified and are in conformity with federal nonroad emission standards pursuant to CAA sections 203(b), 111, 112, or 213(d) and regulations implementing those sections ; to approve or disapprove a request for importation solely for the purposes of testing pursuant to sections 203(c), 111, 112, or 213(d) and regulations implementing those sections; to waive conditions of admission and to specify terms of admission pursuant to sections 203(b), 111, 112, or 213(d) and regulations implementing those sections ; and to take any other actions regarding nonroad vehicles, engines, or equipment, or stationary engines or equipment offered for importation or imported into the United States under section 203(b), 111, 112, or 213(d) and regulations implementing those sections .

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Group Manager level.

ADDITIONAL REFERENCES . 40 CFR 60, subparts IIII and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 85, 89-92, 94, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1068 .



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 I. Authorization of California Nonroad Vehicle and Engine Standards

**1200 TN 599
06/30/2008**

AUTHORITY. To make findings, under CAA section 209(e), authorizing California to adopt and enforce standards and other requirements relating to the control of emissions from nonroad vehicles, engines, or equipment.

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. The Assistant Administrator for Air and Radiation must consult with the General Counsel or his designee prior to granting a state a waiver of federal preemption.

REDELEGATION AUTHORITY. This authority may not be redelegated.

ADDITIONAL REFERENCES. 40 CFR 1074.



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 H. Selective Enforcement Audit Failures

1200 TN 599
06/30/2008

AUTHORITY. To make a determination under the Act that all or part of the nonroad vehicles, engines, or equipment, or stationary internal combustion engines covered by a certificate of conformity do not conform with the regulations with respect to which it was issued and with the requirements of sections 202(a)(4), 111, 112, or 213(d) ; to suspend or revoke in whole or in part a manufacturer's certificate of conformity; to notify a manufacturer of the suspension or revocation of its certificate of conformity; to determine that vehicles, engines or equipment whose certificate of conformity was previously suspended or revoked do conform with the regulations with respect to which it was issued and with the requirements of sections 202(a)(4), 111, 112, or 213(d) ; and to issue a certificate of conformity to vehicles, engines, or equipment during a period of suspension or revocation, after finding that it conforms to the regulations with respect to which it was issued and with the requirements of sections 202(a)(4), 111, 112, or 213(d) .

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Office Director level.

ADDITIONAL REFERENCES. CAA section 206(b)(2). 40 CFR 60, subparts 1111 and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 86, 89-92, 94, 1033 ,1039, 1042, 1045, 1048, 1051, 1054, 1060, 1068.



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 G. Emissions Recall Determinations

1200 TN 599

06/30/2008

AUTHORITY. To determine, pursuant to the Act, that a class of vehicles, engines, or equipment does not comply with CAA sections 202, 111, 112, or 213(d) regulations; to notify a manufacturer that a determination has been made that a class of vehicles, engines, or equipment is not in compliance with such regulations; and to require a manufacturer to submit a plan for remedying the noncompliance of a class of vehicles, engines, or equipment.

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Office Director level.

ADDITIONAL REFERENCES. CAA section 207(c)(1). 40 CFR 60, subparts 111I and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 89-92, 94, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1068.



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 F. Recall Remedial Plans

1200 TN 599

06/30/2008

AUTHORITY. To consider, approve or disapprove, and monitor compliance with remedial plans required to be submitted by manufacturers pursuant to CAA sections 207(c), 111, 112, and 213(d) and regulations implementing those sections, including any owner notification provisions in such plans; and to require any information or testing determined to be necessary to evaluate such plans ; and to issue any order, grant any delay, and approve or waive any provision related to the requirements for submission and content of such plans, or for records and reports related thereto.

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

ADDITIONAL REFERENCES. 40 CFR 60, subparts IIII and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 85, 89-92, 94, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1068.



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 E. Selective Enforcement Auditing Procedures

1200 TN 599

06/30/2008

AUTHORITY. To test new nonroad vehicles, engines, or equipment, and stationary engines and equipment being manufactured to determine conformity with the regulations with respect to which the certificate of conformity was issued, pursuant to CAA sections 206(b)(1), 111, 112, and 213(d), and the regulations implementing those sections, including but not limited to: issuance of test orders, modification of test orders, approval of extra maintenance, repairs or mileage accumulation, approval of modifications in testing procedures, acceptance of manufacturer data, and the requesting of manufacturer records or other information.

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

ADDITIONAL REFERENCES. 40 CFR 89-92, 94, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1065, 1068.



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 D. Vehicle, Engine, and Equipment Manufacturer Requirements

1200 TN 599

06/30/2008

AUTHORITY. To require, pursuant to CAA sections 208(a), 111, 112, and 213(d), and the regulations implementing those sections, manufacturers of new nonroad vehicles, engines, or equipment, manufacturers of new nonroad vehicle, engine, or equipment parts or components, manufacturers of stationary engines and equipment, and other persons subject to the requirements of Part A or Part C of Title II of the Act, or sections 111 or 112 of the Act, to establish and maintain records, perform tests, make reports, and provide information in order to determine whether the manufacturer or other person has acted or is acting in compliance with Parts A and C or sections 111 and 112 of the Act and regulations thereunder or otherwise carry out the provisions of Parts A and C or sections 111 and 112 of the Act.

TO WHOM DELEGATED. Assistant Administrators for Air and Radiation and Enforcement and Compliance Assurance.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

ADDITIONAL REFERENCES. 40 CFR 60, subparts IIII and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 85, 86, 89-92, 94, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1068.



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 C. Vehicle, Engine, and Equipment Manufacturer Inspectors

1200 TN 599

06/30/2008

AUTHORITY. To designate persons who shall be authorized pursuant to CAA sections 206(c), 213(d), 111, or 112, and the regulations implementing those sections, to enter any plant or other establishment of a manufacturer to: (i) conduct tests of vehicles, engines, or equipment; and (ii) inspect records, files, papers, processes, controls, and facilities used by such manufacturers; and to designate persons who shall be authorized pursuant to CAA section 208(a) and (b) to: (i) have access to and copy any records of a manufacturer required under 208(a) ; (ii) enter any establishment of the manufacturer, or of any person whom the manufacturer engages to perform any activity conducted pursuant to section 208(a) ; and (iii) inspect records, files, papers, processes, controls, and facilities used in performing any activity required by section 208(a) by such manufacturer or by any person whom the manufacturer engages to perform any such activity.

TO WHOM DELEGATED. Assistant Administrators for Air and Radiation and Enforcement and Compliance Assurance.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

ADDITIONAL REFERENCES. 40 CFR 60, subparts IIII and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 85, 86, 89-92, 94, 1033, 1039, 1042, 1045 1048, 1051, 1054, 1060, 1068.



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 B. Exemption from Tampering Restrictions

1200 TN 599
06/30/2008

AUTHORITY. To exempt nonroad vehicles, engines, or equipment, and stationary internal combustion engines manufactured before model year 1974 from CAA section 203(a)(3) pursuant to CAA sections 203(c), 111, 112, and 213(d), and the regulations implementing those sections.

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

ADDITIONAL REFERENCES. 40 CFR 60, subparts IIII and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 85, 89-92, 94, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1068 .



Delegation of Authority

CLEAN AIR ACT

Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

7-165 A. Exemption from Tampering Restrictions and for the Introduction into Commerce of Uncertified Nonroad Vehicles, Engines, and Equipment, and Stationary Internal Combustion Engines

**1200 TN 599
06/30/2008**

AUTHORITY. To exempt new or in-use nonroad vehicles, engines, or equipment, and stationary internal combustion engines for purposes of research, investigations, studies, demonstrations, training, or for reasons of national security, from section 203(a) of the Clean Air Act (CAA or Act), pursuant to CAA sections 203(b)(1), 111, 112, and 213(d), and the regulations implementing those sections .

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Group Manager level.

ADDITIONAL REFERENCES. 40 CFR 60, subparts IIII and JJJJ, 40 CFR 63, subpart ZZZZ, 40 CFR 85, 89-92, 94, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1060, 1068 .



Delegation of Authority

CLEAN AIR ACT

7-164 Promulgation of Federal Implementation Plans for Indian Country in Region 10

1200 TN 595
03/11/2008

1. **AUTHORITY.**

a. To propose or take final action on a Federal implementation plan under Section 301(d) of the Clean Air Act that applies only in Indian Country in Region 10.

2. **TO WHOM DELEGATED.** The Regional Administrator of EPA Region 10.

3. **LIMITATIONS.**

a. Prior concurrence from the Assistant Administrator for the Office of Air and Radiation or his/her designee must be obtained on any proposed or final federal register notice that: (1) establishes an entirely new regulation within the General Rules for Application to Indian Reservations in EPA Region 10 (40 CFR Part 49, Subpart C); (2) makes a substantive change to an existing regulation within the General Rules for Application to Indian Reservations in EPA Region 10 (40 CFR Part 49, Subpart C); or (3) adds to Reservation-specific implementation plans regulations that do not already exist within the General Rules for Application to Indian Reservations in EPA Region 10 (40 CFR Part 49, Subpart C).

b. This delegation does not apply to any Federal Register notice taking final action on a Federal implementation plan for which adverse comments were received and for which the Office of General Counsel was not provided an opportunity for review.

4. **REDELEGATION AUTHORITY.** This authority may not be redelegated.

5. **ADDITIONAL REFERENCES.**

a. Section 301(d) of the Clean Air Act, 42 U.S.C. § 7601(d), as amended by the Clean Air Act Amendments of 1990, Pub. L. No. 101-549, 104 Stat. 2399, 2467.
b. Section 301(a)(1) of the Clean Air Act, 42 U.S.C. § 7601(a)(1), as amended by the Clean Air Act Amendments of 1990, Pub. L. No. 101-549, 104 Stat. 2399, 2467.



Delegation of Authority

1200 TN 597
05/21/2008

CLEAN AIR ACT

7-163. Implementation of the Renewable Fuel Standard Program

1. **AUTHORITY**. Pursuant to Section 211 of the Clean Air Act, 42 U.S.C. 7545 and in accordance with 40 CFR Part 80, the authority to:
 - a. Determine whether the Renewable Fuel Standard for 2006 has been met or not met per ☐80.1100(d).
 - b. Calculate the value of the annual standard and publish this value in the Federal Register by November 30 of the year preceding the compliance period, in accordance with ☐☐80.1105(b), (c), (d) and ☐80.1143(e).
 - c. Calculate the value of the annual cellulosic standard and publish this value in the Federal Register by November 30 of the year preceding the compliance period, in accordance with ☐80.1105(e).
 - d. Review the technical justification and assign an appropriate Equivalence Value to the renewable fuel in accordance with ☐80.1115(d)(3).
 - e. Act on a petition per ☐80.1126(d)(6)(ii).
 - f. Determine the appropriateness of formulas used per ☐80.1126(d)(7)(iii).
 - g. Determine that a RIN transferred to two or more parties is valid or invalid per ☐80.1131(b)(4).
 - h. Act on a foreign refiner's small refinery application per ☐80.1141(b)(4).
 - i. Find that a refiner provided false or inaccurate information regarding its crude throughput in its small refinery verification letter per ☐80.1141(c).

- j. Void a refiner's small refinery exemption under this subpart based on a finding that the refiner provided false or inaccurate information regarding its crude throughput in its small refinery verification letter per 80.1141(c).
- k. Extend the exemption period specified in 80.1141(a) according to the provisions at 80.1141(e).
- l. Act on a petition for an extension of a small refinery exemption according to 80.1141(e)(2).
- m. Act on a petition for an alternative corporate crude oil capacity per 80.1142(b)(2).
- n. Act on a foreign refiner's small refinery application per 80.1142(d).
- o. Find that a refiner provided false or inaccurate information in its small refiner status verification letter per 80.1142(f).
- p. Void a refiner's small refinery exemption under this subpart based on a finding that the refiner provided false or inaccurate information in its small refinery verification letter.
- q. Act on an opt-in petition from a non-contiguous state or U.S. territory according to 80.1143.
- r. Establish RFS registration forms and policies per 80.1150(d).
- s. Request records under 80.1151 and 1153, and request electronic records be converted to paper per 80.1151(f).
- t. Specify additional information requirements under 80.1152, including (a)(1)(xii), (b)(1)(x), (c)(1)(xi), (c)(2)(xviii).
- u. Specify the forms and procedures pursuant to 80.1152(e).
- v. Request records under 80.1155(g).
- w. Approve or disapprove an independent third party under 80.1165(d)(3)(i).
- x. Announce an inspection or audit, conduct an inspection or audit, request documents related to the inspection or audit, review and copy documents related to the inspection or audit, interview employees, request English translation of documents, and request an English language interpreter under 80.1165(f)(1).

- y. Agree to a third party surety and the nature of a surety agreement under ☐80.1165(h)(2)(ii).
- z. Agree to an alternative commitment under ☐80.1165(h)(2)(iii).
 - aa. Act on a petition to use alternative procedures under ☐80.1165(l).
 - ab. Approve an auditor in advance under ☐80.1165(m)(6)(ii).
 - ac. Withdraw or suspend a foreign refiner's small refiner or small refinery exemption under ☐80.1165(n).
 - ad. Specify procedures and forms under ☐80.1165(o)(1).
 - ae. Approve a foreign producer of cellulosic biomass ethanol or waste derived ethanol under ☐80.1166(a).
 - af. Approve an independent third party under ☐80.1166(d)(3).
 - ag. Announce an inspection or audit, conduct an inspection or audit, request documents related to the inspection or audit, review and copy documents related to the inspection or audit, interview employees, request English translation of documents, and request an English language interpreter under ☐80.1166(f)(1).
 - ah. Agree to a third party surety and the nature of a surety agreement under ☐80.1166(h)(2)(ii).
 - ai. Agree to an alternative commitment under ☐80.1166(h)(2)(iii).
 - aj. Act on a petition to use alternative procedures under ☐80.1166(l).
 - ak. Approve an auditor under ☐80.1166(m)(6)(ii).
 - al. Withdraw or suspend a foreign refiner's approval status under ☐80.1166(n).
 - am. Specify procedures and forms under ☐80.1166(o)(1).
 - an. Approve a person as a Foreign RIN owner under ☐80.1167(a).
 - ao. Announce an inspection or audit, conduct an inspection or audit, request documents related to the inspection or audit, review and copy documents related to the inspection or audit, interview employees, request English translation of documents under ☐80.1167(c)(1).

- ap. Agree to a third party surety and the nature of a surety agreement under ☐80.1167(e)(2)(ii).
- aq. Approve an auditor under ☐80.1167(h)(2).

- ar. Agree to an alternative commitment under ☐80.1167(e)(2)(iii).

- as. Withdraw or suspend foreign RIN owner approval status under ☐80.1167(i).

- at. Specify procedures and forms under ☐80.1167(j)(1).

2. TO WHOM DELEGATED.

- a. Authorities (a)-(f), (h), (k)-(n), (q), (r), (u), (ad), (ae), (am), (an), and (at) are delegated to the Assistant Administrator for Air and Radiation.
- b. Authorities (g), (j), (p), (w)-(ac), (af)-(al), and (ao)-(as) are delegated to the Assistant Administrator for Enforcement and Compliance Assurance.
- c. Authorities (i), (o), (s), (t), and (v) are delegated to both the Assistant Administrator for Air and Radiation and the Assistant Administrator for Enforcement and Compliance Assurance.

3. LIMITATIONS.

- a. The Assistant Administrator for Air and Radiation, or his or her designee, must notify the Assistant Administrator for Enforcement and Compliance Assurance, or his or her designee, when exercising the authorities in (a)-(e), (h), (k)-(n), (q), (r), (ae), and (an).
- b. The Assistant Administrator for Enforcement and Compliance Assurance, or his or her designee, must notify the Assistant Administrator for Air and Radiation, or his or her designee, when exercising the authorities in (w), (aa), and (aj).
- c. The Assistant Administrator for Enforcement and Compliance Assurance, or his or her designee, must consult with the Assistant Administrator for Air and Radiation, or his or her designee, when exercising the authorities in (j), (p), (ac), (al), and (as).

4. REDELEGATION AUTHORITY.

- a. The authorities delegated in (a)-(c) may be redelegated to the Office Director level, or equivalent, and no further.
- b. The authorities delegated in (d), (e), (g), (i)-(l), (o), (p), (w), (ac), (ae), (al), and (as) may be redelegated to the Division Director level, or equivalent, and no further.
- c. With the exception of the authorities listed in 4a and 4b above, all other authorities contained in this delegation may be redelegated to the Group Manager or Branch Chief level, or equivalent, and no further.

5. ADDITIONAL REFERENCES. None.



Delegation of Authority

1200 TN 598

07/24/2008

7-162-E SYSTEM MODIFICATION

AUTHORITY. To receive the plans containing modifications to the NCore or PAMS Stations in accordance with 40 CFR Part 58 Subpart B Section 58.14

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level, or equivalent and may not be redelegated further.

ADDITIONAL REFERENCES. 40 CFR Part 58 and 40 CFR Part 53



Delegation of Authority

1200 TN 598

07/24/2008

7-162-D NETWORK TECHNICAL REQUIREMENTS

AUTHORITY. To approve NCore, STN, and PAMS network design plans and changes in accordance with 40 CFR Part 58 Subpart B Section 58.11

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level, or equivalent and may not be redelegated further.

ADDITIONAL REFERENCES. 40 CFR Part 58 and 40 CFR Part 53



Delegation of Authority

1200 TN 598

07/24/2008

7-162-C DATA SUBMITTAL AND ARCHIVING REQUIREMENTS 16.f

AUTHORITY. To approve procedures for archiving PM10 and PM2.5 filters in accordance with 40 CFR Part 58 Subpart B Section 58.16 f.

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level, or equivalent and may not be redelegated further.

ADDITIONAL REFERENCES. 40 CFR Part 58 and 40 CFR Part 53



Delegation of Authority

1200 TN 598

07/24/2008

7-162-B DATA SUBMITTAL AND ARCHIVING REQUIREMENTS 16.a

AUTHORITY. To receive the data for SO₂, CO, O₃, NO₂, NO, NO_y, NO_x, Pb, PM₁₀, PM_{2.5}, and associated quality assurance data via AQS in accordance with 40 CFR Part 58 Subpart B Section 58.16 a.

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level, or equivalent and may not be redelegated further.

ADDITIONAL REFERENCES. 40 CFR Part 58 and 40 CFR Part 53



Delegation of Authority

1200 TN 598

07/24/2008

7-162-A ANNUAL MONITORING NETWORK PLAN AND PERIODIC NETWORK ASSESSMENT

AUTHORITY. To receive the plan for establishing required NCore multipollutant stations in accordance with 40 CFR Part 58 Subpart B Section 58.10

TO WHOM DELEGATED. Assistant Administrator for Air and Radiation

LIMITATIONS. None

REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level, or equivalent and may not be redelegated further.

ADDITIONAL REFERENCES. 40 CFR Part 58 and 40 CFR Part 53



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 8 - 2016

MEMORANDUM

SUBJECT: Delegation of Authority 7-161, Decision Making on Exceptional Events

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the name in the "FROM" field.

TO: Assistant Administrator, Office of Air and Radiation
Regional Administrators

I hereby delegate to you the authority to determine whether a submitting air agency has provided documentation that satisfies the technical and procedural requirements in 40 CFR Parts 50 and 51 (50.1, 50.14 and 51.930). If these requirements are met, I further delegate the authority to determine whether concurrence flags should be entered for data associated with the subject event in the Air Quality System database. This delegation is limited to the exceptional events decision making identified above and may be exercised only within the limitations of the Clean Air Act and the Exceptional Events Rule. This authority may be redelegated by the regional administrator to the regional air division director or equivalent highest level manager who exclusively oversees air programs.

7-161 Decision Making on Exceptional Events (1200 TN 592)

1. **AUTHORITY.** To determine whether a submitting air agency has provided exceptional events documentation that satisfies the technical and procedural requirements in 40 CFR parts 50 and 51 (50.1, 50.14 and 51.930) and, as appropriate, to concur or non-concur with an air agency's request to exclude data within the Air Quality System database.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Air and Radiation and regional administrators.
3. **LIMITATIONS.**
 - a. A regional administrator must consult with the OAR assistant administrator or her or his designee and the general counsel or her or his designee where a determination involves a deviation from exceptional-events-implementation guidance.
 - b. Regional air division directors or equivalent highest managers who exclusively oversee air programs to whom the above authorities have been redelegated must consult with technical and policy staff within the Office of Air Quality Planning and Standards before making a determination of whether a submitting air agency has provided exceptional events documentation that satisfies the technical and procedural requirements in 40 CFR Parts 50 and 51. Similarly, regional air division directors or equivalent highest managers who exclusively oversee air programs to whom the above authorities have been redelegated must consult with the OAR assistant administrator or her or his designee and the general counsel or her or his designee where a determination involves a deviation from exceptional events implementation guidance.

- c. The OAR assistant administrator or her or his designee may determine whether a submitting air agency has provided exceptional events documentation that satisfies the technical and procedural requirements in 40 CFR Parts 50 and 51 (50.1, 50.14 and 51.930) when the event in question affects multiple U. S. Environmental Protection Agency regions and/or presents an issue of national consistency.
- 4. **REDELEGATION AUTHORITY.** The above authorities may be redelegated by a regional administrator to the regional air-division-director level or equivalent highest manager who exclusively oversees air programs and may not be redelegated further. Redelegating authority does not divest the regional administrator of the power to exercise the above authorities, and the regional administrator may revoke the redelegation of authority at any time.
- 5. **ADDITIONAL REFERENCES.**
 - a. Section 319(b) of the CAA as amended by section 6013 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Moritz, Brigitte

From: Wachter, Eric
Sent: Thursday, March 10, 2016 5:49 PM
To: McCabe, Janet; Blumenfeld, Jared; Curry, Ron; Enck, Judith; Garvin, Shawn; Hague, Mark; Kaplan, Robert; McGrath, Shaun; McLerran, Dennis; McTeerToney, Heather; Spalding, Curt
Subject: Delegation of Authority 7-161
Attachments: OARM-16-000-4881.pdf

Please see the attached memorandum from the Administrator. Thank you.

Eric E. Wachter
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-0507 office
(202) 596-0246 cell



Delegation of Authority

Clean Air Act

**7-160 Consultation with the Internal Revenue Service
under Section 45H of the Internal Revenue Code –
*Credit for Production of Low Sulfur Diesel Fuel.***

**1200 TN 596
03/06/2008**

1. AUTHORITY.

Section 45H (Credit for Production of Low Sulfur Diesel Fuel) of the Internal Revenue Code was added by the section 339(a) of the American Jobs Creation Act of 2004 (Public Law No. 108-357) and establishes a procedure for small business refiners to obtain certification from the Secretary of the Treasury that certain costs with respect to a facility will result in compliance with the motor vehicle diesel program of 40 CFR Part 80, Subpart I. Section 45H requires the Secretary to consult with the Administrator of the Environmental Protection Agency. This delegation relates to the Administrator's authority to consult.

2. TO WHOM DELEGATED.

This authority is delegated to the Assistant Administrator for Air and Radiation.

3. LIMITATIONS.

None.

4. REDELEGATION AUTHORITY.

This authority may be re-delegated to the Division Director level, but no further.

5. ADDITIONAL REFERENCES.

None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 16 2013

MEMORANDUM

SUBJECT: Approval of Revision to Delegation of Authority 7-159 for Approval of Grants, Cooperative Agreements, Rebates and Low-Cost Revolving Loans to Reduce Diesel Emissions Pursuant to the Diesel Emissions Reduction Act of 2010

FROM: Lisa P. Jackson

TO: Assistant Administrator, Office of Air and Radiation
Regional Administrators

I hereby delegate to the assistant administrator for the Office of Air and Radiation and the regional administrators delegation of authority 7-159 to take all necessary actions to approve grants, cooperative agreements, rebates and low-cost revolving loans relating to reducing diesel emissions pursuant to any of the authorities included in the Diesel Emissions Reduction Act of 2010.

7-159. Grants, Cooperative Agreements, Rebates and Low-Cost Revolving Loans to Achieve Reductions in Diesel Emissions (1200 TN 589)

1. AUTHORITY. To take all necessary actions to approve grants, cooperative agreements, rebates and low-cost revolving loans relating to reducing diesel emissions pursuant to any of the authorities included in the Diesel Emissions Reduction Act of 2010, 42 U.S.C. 16131 *et seq.* and annual appropriations acts.

2. TO WHOM DELEGATED. To the OAR assistant administrator and regional administrators.

3. LIMITATIONS. Approvals are subject to any guidance issued by the Office of the Comptroller, the Office of Grants and Debarment and OAR.

4. REDELEGATION AUTHORITY.

- a. The authority for grants, cooperative agreements and low-cost revolving loans may be redelegated by the OAR assistant administrator to the office-director level or equivalent and no further.
- b. The authority for grants, cooperative agreements and low-cost revolving loans may be redelegated by the regional administrator to the regional air-division-director level or equivalent and no further.
- c. The authority for rebates may be redelegated by the OAR assistant administrator to the division-director level or equivalent and no further.

- d. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. U.S. Environmental Protection Agency Delegation 1-14, Assistance Agreements.
- b. The *EPA Assistance Administration Manual*, including Chapter 7, Assistance to Project Activities Outside the United States.

CLEAN AIR ACT

7-157. Implementation of the Motor Vehicle and Nonroad Diesel Fuel Sulfur Programs

1200 TN 570
09/08/2005

1. **AUTHORITY.** Pursuant to Section 211(c) of the Clean Air Act, 42 U.S.C. 7545 and in accordance with 40 CFR Part 80 and 40 CFR Part 69, the authority to:
 - a. Approve the subdivision of an individual terminal into more than one facility under § 80.502(b)(5).
 - b. Request an importer's records of its importation, sampling and testing, and physical movement of any DTAB under § 80.512(g).
 - c. Require a refiner or importer to submit additional information as needed, regarding a refiner's or importer's plan pertaining to the generation of early credits under § 80.531(d)(4).
 - d. Deny early credits, in whole or in part, under § 80.531(d)(5).
 - e. Approve baselines or notify refiners or importers of deficiencies in the refiner's or importer's application under § 80.533(g).
 - f. Determine that a baseline submitted in accordance with § 80.533 is incorrect and notify the refiner or importer of the corrected baseline, under § 80.533(h).
 - g. Retroactively adjust any compliance calculations made on the basis of an incorrect baseline under § 80.533(h).
 - h. Under § 80.535(a)(6), determine that the requirements of §§ 80.535(a)(1) through (a)(5) were not met or that there is insufficient information to determine the validity of such credits and deny the credits submitted in whole or in part.
 - i. Under § 80.535(b)(2), determine that the requirements of §§ 80.535(a)(1) through (a)(5) were not met or that there is insufficient information to determine the validity of such credits and deny the credits submitted in whole or in part.

- j. Under § 80.535(c)(4), determine that the requirements of §§ 80.535(c)(1) through (c)(3) were not met or that there is insufficient information to determine the validity of such credits and deny the credits submitted in whole or in part.
- k. Under § 80.535(d)(2), determine that the requirements of §§ 80.535(c)(1) through (c)(3) were not met or that there is insufficient information to determine the validity of such credits and deny the credits submitted in whole or in part.
- l. Approve or deny a refiner's application to produce gasoline subject to geographic phase-in (GPA) standards in 2007 and 2008 under §§ 80.540(a)-(c) and (n).
- m. Under § 80.540(g), determine that an application to produce gasoline subject to the GPA standards in 2007 and 2008 is void *ab initio* due to the refiner's failure to comply with the requirements of § 80.540(d), or if approval of the application, including the baseline, was based on false or inaccurate information.
- n. Under § 80.540(h), determine that a refiner's approval to produce gasoline subject to the GPA standards is void due to failure to meet the volume requirements of § 80.540(e) .
- o. Approve or deny a refiner's petition to vacate approval of the refiner to produce gasoline subject to the GPA standards in 2007 and 2008 under § 80.540(k).
- p. Under § 80.540(n), approve or deny a foreign refiner's application to produce gasoline subject to geographic phase-in (GPA) standards in 2007 and 2008 under § 80.216.
- q. Approve or deny a request for additional time to meet the standards of § 80.510 or § 80.520, under § 80.550(f)(3).
- r. Accept or not accept alternate data under § 80.551(c)(3).
- s. Approve or deny applications for small refiner status and notify refiners of such approval or denial by letter under § 80.551(g).
- t. Determine that a refiner's application for small refiner status under § 80.551 is void *ab initio* due to the refiner having submitted false or inaccurate information on its application for small refinery status under § 80.551(h).

- u. Approve or deny a refiner's application for extension of small refiner gasoline sulfur standards and establish a motor vehicle diesel fuel volume baseline under §§ 80.553(c), 80.595 and 80.596.
- v. Determine that a refiner's approval of its application for extension of small refiner gasoline sulfur standards is void *ab initio* due to the refiner's failure to comply with the requirements of § 80.553(d) or if approval of the application, including the baseline, was based on false or inaccurate information under § 80.553(g).
- w. Determine that a refiner's approval of its application for extension of small refiner gasoline sulfur standards is void due to the refiner's failure to meet the volume requirements of § 80.553(e), under § 80.553(h).
- x. Approve or deny a refiner's application to vacate its approval for an extension of the period that it may produce gasoline subject to small refiner standards under § 80.553(k).
- y. Approve or deny a compliance plan submitted by a NRLM diesel small refiner to produce NRLM diesel fuel that is exempt from the standards under § 80.510(a), under § 80.554(a)(4).
- z. Approve or deny a compliance plan submitted by a NRLM diesel small refiner to produce, at a refinery located in Alaska, NR and NRLM diesel fuel, as applicable, that is subject to the standards of § 80.510(a), under § 80.554(b)(5).
- aa. Under § 80.555(b), approve or deny a refiner's request for additional time to comply with the standards of § 80.510 or § 80.520 for an acquired refinery based on information provided by the refiner and other relevant information.
- bb. Approve or deny a refiner's application for temporary relief due to extreme hardship, from any or all the provisions of subpart I of 40 CFR Part 80, under §§ 80.560(a) and (b).
- cc. Determine the allowable time period for a refiner to distribute NRLM diesel fuel not subject to the 500 ppm sulfur standard under § 80.560(b).
- dd. Require an applicant to provide any other relevant information to determine whether to grant relief due to extreme hardship under § 80.560(g).
- ee. Approve or deny a refiner's compliance plans under § 80.560(k).
- ff. Determine that a refiner's hardship status is based on false or inaccurate information and that the application is void *ab initio* upon notice to the refiner, under § 80.560(l).

- gg. Approve or deny a refiner's or importer's request to distribute motor vehicle diesel fuel which does not meet the requirements of subpart I of 40 CFR Part 80 for a brief period, due to extreme, unusual, and unforeseen circumstances under § 80.561.
- hh. Approve alternative labels under §§ 80.570(c), 80.571(f), 80.572(f), 80.573(c), and 80.574(d).
- ii. Notify a refiner that its exemption is not approved or of any deficiencies in the refiner's submission, or if any additional information is required or other requirements are included in the exemption under § 80.581(c)(4).
- jj. Modify the requirements of an exemption under section § 80.581(c), in whole or in part, at any time, under § 80.581(c)(5).
- kk. Determine that a refiner provided false or inaccurate information in any submissions required for an exemption under § 80.581 void the exemption *ab initio* upon notice to the refiner, under § 80.581(c)(5).
- ll. Under § 80.582(c)(2), qualify or not qualify a test method that has not been approved by a voluntary consensus-based standards body.
- mm. Under § 80.582(c)(2)(iv), request that test results be included in the application for qualification of a test method that has not been approved by a voluntary consensus-based standards body.
- nn. Under § 80.582(c)(2)(v), request any additional information be included in the application for qualification of a test method that has not been approved by a voluntary consensus-based standards body as necessary to render a decision as to qualification of the test method.
- oo. Qualify or not qualify a test method under § 80.582(c)(3)(i). If denying the approval of the test method, notify the applicant of the reasons for not approving the method under § 80.582(c)(3)(ii).
- pp. Determine that a test facility has provided false or inaccurate information under § 80.582 and void the qualification of the test method *ab initio* upon notice to the refiner, under § 80.582(c)(3)(iii).
- qq. Under § 80.583(g), notify an importer of a violation of the requirements of § 80.583.

- rr. Under § 80.585(a), establish procedures for the submission of accuracy and precision results by a test facility.
- ss. Under § 80.585(b)(3), request test results from use of the method to analyze samples of commercially available fuel provided by EPA.
- tt. Under § 80.585(d), approve or deny a test method, and notify the applicant.
- uu. Under § 80.585(d)(3), determine that a test facility has provided false or inaccurate information under § 80.585 and void the approval *ab initio* upon notice to the test facility.
- vv. Under § 80.592(e), request records required under § 80.592, and request conversion of electronic records to paper documents.
- ww. Require delivery of records that are required to be maintained under §§ 80.592 and 80.620.
- xx. Require reporting of additional information under § 80.593.
- yy. Approve or deny applications for motor vehicle diesel fuel volume baselines and notify the refiner of approval or disapproval of the baseline and of any deficiencies in the application under § 80.595(d).
- zz. Notify a refiner of a corrected baseline under § 80.595(e).
- aaa. Require and consider any additional information pertinent to establish a baseline, under § 80.595(f).
- bbb. Establish a baseline pursuant to alternative provisions at § 80.595(f) under § 80.596(b).
- ccc. Assign registration numbers to refiners and importers under § 80.597.
- ddd. Grant or not grant a fuel distributor's application related to inventory under § 80.599(g).
- eee. Under § 80.600(i), request records required under § 80.600.
- fff. Under § 80.601(c), request any additional information necessary to determine compliance with §§ 80.598 and 80.599.
- ggg. Under § 80.602(e), for records required under § 80.602, request records, any equipment or software to read records and conversion of electronic records to paper documents.

- hhh. Request other information under § 80.604.
- iii. Approve tactical military motor vehicles, that are not subject to a national security exemption from motor vehicle emission standards, for use of diesel fuel not meeting the standards of 40 CFR Part 80, subpart I, under § 80.606(a)(2).
- jjj. Require information pertinent to research and development exemptions under § 80.607(c).
- kkk. Approve or deny, including approval with conditions, a request for a research and development exemption under § 80.607(e).
- lll. Determine that a research and development exemption is void *ab initio* due to any violation of a term or condition of the exemption or of any requirement of § 80.607 under § 80.607(e)(5).
- mmm. Determine that a responsible person has not notified EPA immediately in writing regarding any change to the information required pursuant to § 80.607(c), and disapprove the exemption or determine it to be void *ab initio* under § 80.607(e)(6).
- nnn. Under § 80.614(f)(7), request documents required under § 80.614.
- ooo. Approve or deny a foreign refiner's applications for any motor vehicle diesel fuel temporary compliance option, credits program, hardship or GPA provisions, including the approval or denial of a baseline, under § 80.620(b).
- ppp. Approve or disapprove a foreign refiner's independent third party inspector under § 80.620(f).
- qqq. Approve or disapprove a foreign refiner's independent auditors under § 80.620(h).
- rrr. Announce an inspection or audit, request documents related to an inspection or audit, request an interview with an employee of a foreign refiner, request English language interpreters under § 80.620(i).
- sss. Approve or disapprove a foreign refiner's third party surety agent under § 80.620(k).
- ttt. Approve or disapprove a foreign refiner's alternative commitment under § 80.620(k).
- uuu. Approve or deny a foreign refiner's petition for alternative compliance procedures for Certified DFR-Diesel imported by truck under § 80.620(p).

- vvv. Withdraw or suspend a foreign refiner's temporary compliance option diesel fuel sulfur program approval under § 80.620(q).
- www. Make a provisional finding that a foreign refiner's baseline petition is complete under § 80.620(r).
- xxx. Specify procedures and forms that a foreign refiner must use in submitting baseline petitions, reports and certificates under § 80.620(s).

2. TO WHOM DELEGATED.

Authorities 1(a), 1(c), 1(e) through 1(g), 1(l), 1(o) through 1(s), 1(u), 1(x) through 1(ee), 1(hh) through 1(jj), 1(ll) through 1(oo), 1(rr) through 1(tt), 1(yy) through 1(ddd), 1(iii) through 1(kkk), 1(ooo), 1(www), and 1(xxx) are delegated to the Assistant Administrator for Air and Radiation.

Authorities 1(d), 1(h) through 1(k), 1(m), 1(n), 1(t), 1(v), 1(w), 1(ff), 1(gg), 1(kk), 1(pp), 1(qq), 1(uu), 1(lll) through 1(nnn), and 1(ppp) through 1(vvv) are delegated to the Assistant Administrator for Enforcement and Compliance Assurance.

Authorities 1(b), 1(vv) through 1(xx), and 1(eee) through 1(hhh) are delegated to both the Assistant Administrator for Air and Radiation and the Assistant Administrator for Enforcement and Compliance Assurance.

3. LIMITATIONS.

The Assistant Administrator for Air and Radiation, or his or her designee, must notify the Assistant Administrator for Enforcement and Compliance Assurance, or his or her designee, when exercising the authorities in 1(c), 1(f), 1(g), 1(o) through 1(q), 1(s), 1(u), 1(x), 1(aa), 1(cc), 1(hh) through 1(jj), 1(ll), 1(oo), 1(rr) through 1(tt), 1(yy) through 1(bbb), 1(ddd), 1(iii), 1(kkk), 1(ooo), and 1(www).

The Assistant Administrator for Air and Radiation, or his or her designee, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or his or her designee, when exercising the authorities in 1(y), 1(z), 1(bb), and 1(ee).

The Assistant Administrator for Enforcement and Compliance Assurance, or his or her designee, must notify the Assistant Administrator for Air and Radiation, or his or her designee, when exercising the authorities in 1(h) through 1(k), 1(gg), and 1(mmm).

The Assistant Administrator for Enforcement and Compliance Assurance, or his or her designee, must consult with the Assistant Administrator for Air and Radiation, or his or her designee, when exercising the authorities in 1(d), 1(m), 1(n), 1(t), 1(v), 1(w), 1(ff), 1(kk), 1(pp), 1(uu), 1(lll), and 1(vvv).

4. REDELEGATION AUTHORITY.

- a. The authorities delegated in 1(p) and 1(gg) may be redelegated to the Office Director level, or equivalent, and no further.
- b. The authorities delegated in 1(b) through 1(k), 1(m) through 1(o), 1(q), 1(t) through 1(x), 1(aa), 1(bb), 1(dd), 1(kk) through 1(qq), 1(tt) through 1(ccc), 1(eee) through 1(mmm), 1(ooo), and 1(uuu) through 1(xxx) may be redelegated to the Division Director level, or equivalent, and no further.
- c. With the exception of the authorities listed in 4(a) and (b) above, all other authorities contained in this delegation may be redelegated to the Group Manager or Branch Chief level, or equivalent, and no further.

5. ADDITIONAL REFERENCES. None.

TRANSMITTAL

Classification No.: 548

Approval Date: 04/02/2002

Administrative

Change: 05/18/2009

EPA Delegation

PURPOSE. This Transmittal revises the Delegation of Authority, 7-156, *"Performance Test Rescheduling"*.

EXPLANATION. The Office of Enforcement and Compliance Assurance (OECA) Proposed an update to the delegation to take into account recent regulatory revisions and, therefore, ensure consistency between the delegation and the current regulations. The existing authority concerns performance test rescheduling and the proposed revisions do not alter the subject matter of the delegation.

History of Delegation Revisions.

Remove Pages

7-116, TN 406, 08/07/95

7-117, TN 406, 08/07/95

7-119, TN 406, 08/07/95

7-121, TN 406, 08/07/95

7-122, TN 406, 08/07/95

7-124, TN 406, 08/07/95

7-128, TN 406, 08/07/95

Chapter 7, TN 544, 05/17/2002

7-156, TN 548, 04/02/2002

Insert Pages

7-116, TN 548, 04/02/2002

7-117, TN 548, 04/02/2002

7-119, TN 548, 04/02/2002

7-121, TN 548, 04/02/2002

7-122, TN 548, 04/02/2002

7-124, TN 548, 04/02/2002

7-128, TN 548, 04/02/2002

7-154, TN 548, 04/02/2002

7-155, TN 548, 04/02/2002

7-156, TN 548, 04/02/2002

7-156, TN 548, 05/18/2008 ADM. CHG

Deborah Ward Beard, Central Directives Officer
Office of Human Resources

Office of Enforcement and Compliance Assurance Mail Code: 2201A



Delegation of Authority

1200 TN 548
04/02/2002

CLEAN AIR ACT

7-156. Performance Test Rescheduling

1. **AUTHORITY.** To approve or disapprove performance test rescheduling with standards promulgated at 40 CFR Part 60, 40 CFR Part 61, 40 CFR Part 63, and 40 CFR Part 65 and pursuant to Sections 111(f), 111(h), 112(d), 112(f), 112(h) and 129 of the Clean Air Act.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Enforcement and Compliance Assurance may only exercise this authority in multi-Regional cases or cases of national significance.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance or his redelegatee must notify any affected Regional Administrators or their redelegateses when exercising the above authority.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Branch Chief level, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR 60.8(a)(1) □ (4); 60.8(d).
 - b. 40 CFR 61.13(a)(3) □ (6).
 - c. 40 CFR 63.7(a)(4); 63.7(b)(2).
 - d. 40 CFR 65.157(c)(1)(viii □ xi); 65.164(b)(1)



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-155, Approval to Use Previously Generated Monitoring Data

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-155. Approval to Use Previously Generated Monitoring Data (1200 TN 548)

1. **AUTHORITY.** To approve or disapprove data generated before the date of compliance to waive the daily average recordkeeping requirement with standards promulgated at 40 CFR Part 63, and 40 CFR Part 65 and pursuant to Sections 111(f), 111(h), 112(d), 112(f) and 112(h) of the Clean Air Act.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and the regional administrators.
3. **LIMITATIONS.**
 - a. The assistant administrator for OECA may only exercise this authority in multiregional cases or cases of national significance.
 - b. The assistant administrator for OECA must notify any affected regional administrator prior to exercising these authorities.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR 63.152(g)(2).
 - b. 40 CFR 65.161(e)(2).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-154, Implementation Schedule Approval

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-154. Implementation Schedule Approval (1200 TN 548)

1. **AUTHORITY.** To approve or disapprove the implementation schedule proposed by the source owner or operator under standards promulgated at 40 CFR Part 65 and pursuant to Sections **111(f)**, **111(h)**, **112(d)**, **223(f)** and **112(h)** of the Clean Air Act.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The assistant administrator may only exercise these authorities in multi-regional cases or cases of national significance.
 - b. The assistant administrator must notify any affected regional administrator prior to exercising the above authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** 40 CFR 65.1(f).

7-148. Provisions for the Prevention and Mitigation of Accidental Releases of Hazardous Chemicals under Clean Air Act Section 112(r)

1200 TN 498
07/20/2016

1. **AUTHORITY.** The authority to carry out the provisions of Clean Air Act Section 112(r) to be implemented by the Administrator, except as limited below. Those provisions concern the prevention and mitigation of accidental releases of substances listed pursuant to paragraph (3) of the Section or any other extremely hazardous substance. The authority being delegated includes, but is not limited to, the authority to provide program direction, guidance and support, issue general notices, as well as the following specific authorities:
 - a. Review and deny petitions under Section 112(r)(3);
 - b. Respond to the recommendations of the Chemical Safety and Hazard Investigation Board ("the Board") pursuant to Section 112(r)(6)(H) and (I);
 - c. Implement the regulations issued under Section 112(r)(7), including:
 1. Specifying the form and manner of risk management plan submissions, and receiving risk management plans,
 2. Establishing information management policy and making confidential business information determinations, and
 3. Auditing Risk Management Plans and requiring revisions; and
 - d. Implement the provisions of Section 112(r)(7)(H) concerning distribution of off-site consequence analysis information to covered persons and other actions to be taken by the Administrator.
2. **TO WHOM DELEGATED.**
 - a. The above authorities are delegated to the assistant administrator, Land and Emergency Management (OLEM), and
 - b. Authority 1.b. is also delegated to assistant administrators or equivalent and regional administrators to the extent necessary to respond to the Board recommendations affecting offices other than OLEM.
 - c. Authority 1.c. 3. is also delegated to regional administrators.
3. **LIMITATIONS.**
 - a. Actions requiring rulemaking remain under the Administrator's authority.
 - b. The authority in 1.b. will be exercised in accordance with procedures developed by the assistant administrator of OLEM, in consultation with other program offices and the EPA regions.
 - c. For authority 1.c. 3, the assistant administrator of OLEM may exercise this authority when an action is nationally significant or has broad issue-specific or programmatic implications. Regional Administrators may exercise this authority when an action principally involves or affects a specific facility, or state or local entity.

4. **REDELEGATION OF AUTHORITY.**

- a. The authority delegated to the regional administrator may be redelegated to the branch chief level or equivalent, and may not be redelegated further.
- b. The authorities delegated to the assistant administrator for Land and Emergency Management may be redelegated to the office director level, or equivalent, and may not be redelegated further.
- c. The authority delegated to assistant administrators at 2(b) may be redelegated to deputy assistant administrators.
- d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. 40 CFR Part 68 Chemical Accident Prevention Provisions, Subparts F, G, and H
- b. 1993 Presidential Review by EPA and National Response Team
- c. Public Law 106-40, Section 3



Delegation of Authority

1200 TN 487
07/21/1999

CLEAN AIR ACT

7-143. Variances and Compliance Extensions

1. **AUTHORITY.**

- a. To grant or deny requests for variances pursuant to 40 CFR 59;
- b. To receive, determine completeness of, and make notifications regarding variance requests pursuant to 40 CFR 59.
- c. To hold public hearings pursuant to 40 CFR 59;
- d. To revoke variances pursuant to 40 CFR 59; and
- e. To grant or deny requests for compliance extensions pursuant to 40 CFR 59.

2. **TO WHOM DELEGATED.** Regional Administrators.

3. **LIMITATIONS.** None.

4. **REDELEGATION AUTHORITY.** These authorities may be redelegated to the Division Director level, or equivalent, and may not be redelegated further.

5. **ADDITIONAL REFERENCES.** Section 183(e) of the Clean Air Act.



Delegation of Authority

7-138. Grants and Cooperative Agreements Under Section 112 (l)(4) of the Clean Air Act for Development and Implementation of Programs

1200 TN 457

01/27/98

Administrative Update 10/20/2016

1. **AUTHORITY.** To approve grants and cooperative agreements with States under Section 112(l)(4) of the Clean Air Act for development and implementation of a program for the prevention of chemical accidental releases of hazardous substances as authorized in Section 112 (r) of the Clean Air Act.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management and Regional Administrators.
3. **LIMITATIONS.**
 - a. Agency Senior Resource Officials must review and approve grants and cooperative agreements when total project costs are over 1 million.
 - b. Regional Administrators will consult with the Assistant Administrator for Land and Emergency Management or their designee before exercising this authority when approving grants and cooperative agreements related to the Chemical Emergency Preparedness and Prevention program.
4. **REDELEGATION AUTHORITY.**
 - a. The authority delegated to Regional Administrators may be redelegated to the Division Director level or equivalent and may not be redelegated further.
 - b. The authority delegated to the Assistant Administrator for Air and Radiation and the Assistant Administrator for Land and Emergency Management may be redelegated to the Office Director level or equivalent and may not be redelegated further.
 - c. An official who redelegates an authority retains the right to exercise or Withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Parts 30 and 31.
 - b. EPA Assistance Administration Manual 5700.
 - c. Delegation 1-14, "Assistance Agreements" which delegates the authority to award (sign/execute) grants and cooperative agreements.
 - d. Delegation 7-11, "Grants and Cooperative Agreements for Investigations, Demonstrations, Surveys, and Studies" which delegates the authority to

approve grants and cooperative agreements authorized by subsection 103(b)(3) of the Clean Air Act.

- e. EPA Order 5700.1, "Policy for Distinguishing Between Assistance and Acquisition", March 22, 1994.
- f. EPA Order 1130.2A, "Senior Resource Officials and Resource Management Committee", November 6, 1995.
- g. Federal Grant and Cooperative Agreement Act, as amended, 31 U.S.C. Section 6301.
- h. Clean Air Act Section 301(d), "Treatment as a State".



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-134, Clean Air Act Citizen Awards Program

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-134. Clean Air Act Citizen Awards Program (1200 TN 430)

1. **AUTHORITY.** To approve payments in accordance with the U.S. Environmental Protection Agency's Citizen Awards Program, Clean Air Act Section 113(f).
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and the regional administrators.
3. **LIMITATIONS.**
 - a. The assistant administrator may not approve individual payments under EPA's Citizen Awards Program in excess of \$10,000.
 - b. Any redelegation of the authority to approve individual payments of any amount pursuant to section 4 below must have the written approval of the assistant administrator for OECA.
 - c. The regional administrator may not approve individual payments in excess of \$1,500 and may not approve payments to citizens in criminal cases.
4. **REDELEGATION AUTHORITY.** An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically been redelegated.

FOR CIVIL CASES

- a. The authority to approve individual payments in excess of \$5,000 but not exceeding \$10,000 may be redelegated to the director of the Office of Civil Enforcement, or equivalent, and no further.
- b. The authority to approve individual payments not to exceed \$5,000 may be redelegated to the division director level, or equivalent, and no further.

- c. The authority to approve individual payments not to exceed of \$1,500 is delegated to the regional administrator, who may further redelegate to the division-director level, or equivalent, and no further.

FOR CRIMINAL CASES

- a. The authority to approve individual payments in excess of \$5,000 but not exceeding \$10,000 may be redelegated to the director of the Office of Criminal Enforcement, Forensics and Training, or equivalent, and no further.
- b. The authority to approve individual payments not to exceed \$5,000 may be redelegated to the division-director level, or equivalent, and no further.

5. ADDITIONAL REFERENCES. 40 C.F.R. §§ 141.28, 142.10(b)(3)-(4).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-128, Establishment of Monitoring Parameters to Demonstrate Compliance

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-128. Establishment of Monitoring Parameters to Demonstrate Compliance (1200 TN 548)

1. **AUTHORITY.** To establish monitoring parameters, values or levels, and procedures that are used to demonstrate compliance with standards that are promulgated at 40 CFR Parts 63 and 65, and under Sections 111 and 112.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** The assistant administrator for OECA may only exercise this authority in multiregional cases or cases of national significance.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR 63.463(f)(1)(ii), 63.453(g).
 - b. 40 CFR 65.63(d).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-127, Applicability Determinations

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-127. Applicability Determinations (1200 TN 406)

1. **AUTHORITY.** To issue determinations pertaining to applicability of a source to 40 CFR Parts 60, 61, and 63 and pursuant to the Clean Air Act, including Section 111(b), 111(d), 111(f), 111(h), 112(d), 112(f) and 112(h).
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. Regional administrators must provide summaries and copies of the applicability determinations on a quarterly basis to the applicability determination index.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch-chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically delegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR 60.5 and 61.06.
 - b. See How to Review and Issue CAA Applicability Determinations and Alternative Monitoring (NSPS and NESHAPS) manual and any superseding or related guidance documents.
 - c. This delegation, Applicability Determinations, supersedes Delegation 7-15.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-118, Construction and Reconstruction

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Air and Radiation

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-118. Construction and Reconstruction (1200 TN 406)

1. **AUTHORITY.** To approve or disapprove applications for construction of new sources or reconstruction of existing sources applicable to National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 63 pursuant to section 112(d), 112(f), 112(h) and 112(i) of the Clean Air Act. The approval of construction or reconstruction will be based on, among other things, 40 CFR 63.1 and 63.5.
2. **TO WHOM DELEGATED.** Regional administrators and the assistant administrator for the Office of Air and Radiation. and the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Section 112 of the CAA.
 - b. 40 CFR 63.5.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-116, Compliance Extensions

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-116. Compliance Extensions (1200 TN 548)

1. AUTHORITY.

- a. To approve or disapprove compliance extensions for affected existing sources, under 40 CFR 63.6 and 40 CFR 65.63(f)(4) and pursuant to Sections 111 and 112 of the CAA.
- b. To determine compliance with non-opacity, opacity and visible emission standards, pursuant to the CAA, including Sections 111 and 112.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.

3. LIMITATIONS.

- a. The assistant administrator for OECA may only exercise these authorities in multi-regional cases or cases of national significance.
- b. The assistant administrator for OECA must notify any affected regional administrator prior to exercising the above authority.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. 40 CFR 63.6, 65.63(f)(4).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-113, Reformulated Gasoline: California Enforcement Exemption

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-113. Reformulated Gasoline: California Enforcement Exemption (1200 TN 399)

1. AUTHORITY. Pursuant to the Clean Air Act:

- a. In the case of a gasoline formulation that is specially approved by the state of California, to make determinations that the written demonstration submitted by the refiner, importer or oxygenate blender of such gasoline formulation does not demonstrate compliance with the complex model per-gallon standards and to provide notice to the refiner, importer or oxygenate blender when the U.S. Environmental Protection Agency determines that the California enforcement exemptions will therefore not be allowed.
- b. To make determinations based on petitions to allow the California enforcement exemptions, in whole or in part, in the case of a refiner, importer or oxygenate blender who has been assessed a penalty for violation of the federal or state reformulated gasoline requirements.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. The assistant administrator for OECA must notify the assistant administrator for the Office of Air and Radiation prior to exercising the authorities delegated.

4. REDELEGATION AUTHORITY.

- a. The above authority may be redelegated to the division director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 211(k) of the Clean Air Act.
- b. 40 CFR 80.81(e)(2) and (3).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-112. Reformulated and Conventional Gasoline: Attest Engagements

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the name in the "FROM:" field.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-112. Reformulated and Conventional Gasoline: Attest Engagements (1200 TN 112)

1. **AUTHORITY.** To approve or disapprove of requests under 40 CFR 80.133, promulgated pursuant to Clean Air Act Section 211(k), to use modified attest procedures for refiners and importers of reformulated and conventional gasoline.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. The above authority may be redelegated to the division director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 211(c) of the CAA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 7-111, Reformulated Gasoline: Petitions to Distribute Gasoline that Does Not Meet Standards

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

7-111. Reformulated Gasoline: Petitions to Distribute Gasoline that Does Not Meet Standards (1200 TN 399)

1. **AUTHORITY.** Under 40 CFR 80.73, promulgated pursuant to Section 211(k) of the Clean Air Act, to approve or deny petitions, based on extraordinary circumstances, to distribute gasoline that does not meet the requirements for reformulated gasoline.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATION.**
 - a. The assistant administrator of OECA must notify the assistant administrator of the Office of Air and Radiation of the receipt of a petition under 40 CFR 80.73.
 - b. Prior to approval or denial of a petition under 40 CFR 80.73, the assistant administrator of OECA must notify the assistant administrator of OAR.
4. **REDELEGATION AUTHORITY.**
 - a. The above authority may be redelegated to the division director level, or the equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Section 211(C) of the Clean Air Act.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 23 2016

MEMORANDUM

SUBJECT: Delegation of Authority 8-55, Chair of the Hazardous Waste
Electronic Manifest System Advisory Board

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Mathy Stanislaus, Assistant Administrator
Office of Land and Emergency Management

I hereby delegate authority as follows:

**8-55, Chair of the Hazardous Waste Electronic Manifest System Advisory Board
(1200 TN 641)**

1. AUTHORITY.

To serve as the chair of the e-Manifest Advisory Board, established under the provisions of the Hazardous Waste Electronic Manifest Establishment Act, 42 U.S.C. 6939(g).

2. TO WHOM DELEGATED.

The assistant administrator for the Office of Land and Emergency Management.

3. LIMITATIONS. None.

4. REDELEGATION.

- a. This authority may be redelegated to the director of the Office of Resource Conservation and Recovery and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. The Hazardous Waste Electronic Manifest Establishment Act, 42 U.S.C. 6939(g)
- b. The Federal Advisory Committee Act (FACA), 5 U.S.C. App.2.
- c. EPA 1200 Delegations Manual



Delegation of Authority

8-54. Site-Specific Rules for Flexibility from Owners/Operators Of Municipal Solid Waste Landfills (MSWLFs) in Indian Country

1200 TN 610
11/24/2010

1. **AUTHORITY.** Under Authority of Sections 2002, 4004, and 4010 of the Solid Waste Disposal Act, as amended, to Promulgate Site-Specific Rules to Respond to Requests for Flexibility From Owners/Operators of Municipal Solid Waste Landfills (MSWLFs) in Indian country within their respective regions.
2. **TO WHOM DELEGATED.** EPA Regional Administrators for Regions 1, 4, 6, 8, 9, and 10.
3. **LIMITATIONS.**
 - a. This delegation is limited to the purpose stated above and may be exercised only within the limitations of the Solid Waste Disposal Act, as amended.
 - b. Regional Administrators are subject to current Agency guidance on procedures for promulgating rules when exercising this authority.
 - c. Regional officials exercising this authority must consult with the Director, Office of Resource Conservation & Recovery (ORCR) or equivalent, prior to promulgating site specific rules. The Director of ORCR may, by memorandum or other written communication, waive the consultation requirement.
4. **REDELEGATION AUTHORITY.** This authority may be re-delegated to the Regional Division Director or equivalent level, and no further.
5. **ADDITIONAL REFERENCES.** For additional information and requirements refer to the Solid Waste Disposal Act, Subchapter IV (also known as "Subtitle D"), Sections 4001-4010, 42 U.S.C. §§ 6941-6949, and the Code of Federal Regulations Part 258, and the "Site Specific Flexibility Requests for Municipal Solid Waste Landfills in Indian Country, Draft Guidance" EPA 530-R-97-016 (August 1997).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Approved 1/18/2017 -

MEMORANDUM

SUBJECT: Delegation of Authority 8-53, Development and Publication of Guidelines

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

8-53. Development and Publication of Guidelines (1200 TN 614)

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to take all necessary actions to develop, publish and implement guidelines, guidance, allocation processes, strategies, reports and similar documents authorized by Subtitle I.
2. **TO WHOM DELEGATED.** Assistant administrator for Land and Emergency Management and the assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. This authority does not extend to publication of proposed and final regulations except to the extent authorized by Delegation 1-21.
 - b. Before the assistant administrator for OECA exercises this authority, the assistant administrator for OECA must consult with the assistant administrator for OLEM.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.

SOLID WASTE DISPOSAL ACT (SWDA)

8-52. Administrative Enforcement: Conferring with Federal Agencies Under 42 U.S.C. §6961(b)(2)

**1200 TN 600
07/20/2016**

1. **AUTHORITY.** Pursuant to section 6001(b)(2) of the SWDA, as amended, 42 U.S.C. §6961(b)(2), to confer with a department, agency or instrumentality of the Federal Government executive, legislative or judicial branch regarding an SWDA administrative enforcement order issued by the Agency to such Federal department, agency or instrumentality.
2. **TO WHOM DELEGATED.** The assistant administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.** The Assistant Administrator must consult with the Administrator or his or her designee before exercising this authority, unless the Administrator or designee waives this consultation requirement.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the deputy assistant administrator level and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 6001(b) of the SWDA.



Delegation of Authority

8-49. Approval of Alternative Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks.

1200 TN 392
3/2/95

1. **AUTHORITY.** To approve alternative technical standards and corrective action requirements for owners and operators of underground storage tanks for the following portions of Title 40 of the Code of Federal Regulations (implementing Subtitle I of RCRA):
 - a. 40 CFR: 280.20(a)(5), 280.20(b)(2)(iv), 280.20(b)(4), 280.20(c)(2)(i), 280.20(e)(6), 280.21(b)(2)(iv), 280.31(b)(1), 280.33(d)(3), 280.42(b)(5)(iii), 280.43(h)(2), 280.45(a-c), 280.50, 280.52, 280.53(a), 280.53(a)(1), 280.53(b), 280.71(a), and 280.73.
 - b. 40 CFR: 280.61, 280.62(a), 280.62(b), 280.63(a), 280.63(b), 280.64, 280.64(d), 280.65(b), 280.66(a), and 280.66(c).
2. **TO WHOM DELEGATED.**
 - a. Authorities in 1a. are delegated to the Assistant Administrator for Land and Emergency Management.
 - b. Authorities in 1b. are delegated to the Assistant Administrator for Land and Emergency Management and to the Regional Administrators.
3. **LIMITATION.** The Assistant Administrator for Land and Emergency Management, or designee, must notify the affected Regional Administrator, or designee, upon exercising the authorities under paragraph 1.b. with respect to a particular underground storage tank system.
4. **REDELEGATION AUTHORITY.**
 - a. These authorities may be redelegated to the Office Director level in Headquarters and to the Division Director level in the Regions and may not be redelegated further.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **REFERENCES.** 40 CFR Part 280, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks" (Subparts B through H).



Delegation of Authority

8-48. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW 846)

1200 TN 344

04/02/1994

Administrative Update 10/20/2016

1. **AUTHORITY.** To approve new and update existing test methods for incorporation into "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846)" pursuant to 40 CFR 260.11 and 270.6.
2. **TO WHOM DELEGATED.** Assistant administrator for Land and Emergency Management.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the director, Office of Resource Conservation and Recovery.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL INFORMATION.**
 - a. 40 CFR Part 206.11
 - b. 40 CFR Part 270.6



Delegation of Authority

8-45C. Action on Petitions Requesting a Determination of Equivalent Treatment

1200 TN 574

12/05/2005

Administrative Update 12/15/2015

1. **AUTHORITY.** Take all actions necessary to grant or deny petitions for determinations of equivalent treatment (40 CFR Section 268.42(b)) for treatment standards established by the land disposal restriction program, promulgated under sections 3004 (d), 3004(e), 3004(g), 3004(m), and 7004(a) of the SWDA
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management.
3. **REDELEGATION AUTHORITY.**
 - a. The Assistant Administrator for Land and Emergency Management may redelegate this authority to the Director, Office of Resource Conservation and Recovery, Office of Land and Emergency Management or equivalent. This authority may not be redelegated further.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
4. **LIMITATIONS.** Not applicable.
5. **ADDITIONAL REFERENCES.**
 - a. Land Disposal Restrictions, 40 CFR section 268.
 - b. Delegations Manual, Delegations 8-45, 8-45-A and 8-45-B.



Delegation of Authority

8-45-C. Action on Petitions Requesting a Determination of Equivalent Treatment

1200 TN 574

12/05/2005

1. **AUTHORITY.** Take all actions necessary to grant or deny petitions for determinations of equivalent treatment (40 CFR Section 268.42(b)) for treatment standards established by the land disposal restriction program, promulgated under sections 3004 (d), 3004(e), 3004(g), 3004(m), and 7004(a) of the SWDA
2. **TO WHOM DELEGATED.** Assistant Administrator for Solid Waste and Emergency Response.
3. **REDELEGATION AUTHORITY.** The Assistant Administrator for Solid Waste and Emergency Response may redelegate this authority to the Director, Office of Resource Conservation and Recovery, Office of Solid Waste and Emergency Response or equivalent. This authority may not be redelegated further.
4. **LIMITATIONS.** Not applicable.
5. **ADDITIONAL REFERENCES.**
 - a. Land Disposal Restrictions, 40 CFR section 268.
 - b. Delegations Manual, Delegations 8-45, 8-45-A and 8-45-B.

8-45. Action on Petitions Requesting a Variance from a Treatment Standard

1200 TN 438

07/20/2016

1. **AUTHORITY.** To grant or deny petitions for a variance from a treatment standard established by the land disposal restrictions program promulgated under sections 3004(d), 3004(e), 3004(g), and 7004(a) of the SWDA, as amended.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. The authority to grant these petitions may be redelegated to the Director, Office of Resource Conservation and Recovery, who may redelegate to the Deputy Director, Office of Resource Conservation and Recovery. This authority may not be redelegated further.
 - b. The authority to deny these petitions may be redelegated to the deputy assistant administrator level.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Land Disposal Restrictions, 40 CFR section 268.44.
 - b. Delegations Manual, Delegations 8-45-A and 8-45-B.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Approved 1/18/2017 -

MEMORANDUM

SUBJECT: Delegation of Authority 8-42, Solid Waste Management Plans Assistance

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

8-42. Solid Waste Management Plans Assistance (1200 TN 350 8-42)

1. **AUTHORITY.** To approve grants and cooperative agreements for projects related to solid waste management (including municipal solid waste, industrial waste, medical waste, commercial solid waste and any other non-hazardous waste). These funds can be awarded to the following types of non-profits entities: public agencies and institutions and private agencies, institutions and individuals. These projects can include the following activities, as authorized under Section 8001(a) of the Solid Waste Disposal Act: research, investigations, experiments, training, surveys, demonstrations, public education programs and studies relating to:
 - a. Any adverse health and welfare effects of the release into the environment of material present in solid waste, and methods to eliminate such efforts;
 - b. The operation and financing of solid-waste management programs;
 - c. The planning, implementation and operation of resource recovery and resource conversation systems and hazardous-waste management systems, including the marketing of recovered resources;
 - d. The production of usable forms of recovered resources, including fuel, from solid waste;
 - e. The reduction of the amount of such waste and unsalvageable waste materials;
 - f. The development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid wastes;

- g. The identification of solid-waste components and potential materials and energy recoverable from such waste components;
 - h. Small scale and low technology solid waste management systems; including but not limited to, resource-recovery separation systems;
 - i. Methods to improve the performance characteristics of resources recovered from solid waste and the relationship of such performance characteristics to available and potentially available markets for such resources;
 - j. Improvements in land-disposal practices for solid waste (including sludge) that may reduce the adverse environmental effects of such disposal and other aspects of solid waste disposal on land, including means for reducing the harmful environmental effects of earlier and existing landfills, means for restoring areas damaged by earlier or existing landfills, means for rendering landfills safe for purposes of construction and other uses, and techniques of recovering materials and energy from landfills;
 - k. Methods for the sound disposal of or recovery of resources, including energy from sludge (including sludge from pollution control and treatment facilities, coal slurry pipelines and other sources);
 - l. Methods of hazardous waste management, including methods of rendering such waste environmentally safe; and
 - m. Any adverse effects on air quality (particularly in regard to the emission of heavy metals) which result from solid waste that is burned (either alone or in conjunction with other substances) for purposes of treatment, disposal or energy recovery.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance, assistant administrator for Land and Emergency Management and regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
- a. These authorities may be redelegated to division director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
- a. 2 CFR Part 200
 - b. 2 CFR Part 1500
 - c. 40 CFR Part 33



Delegation of Authority

SOLID WASTE DISPOSAL ACT (SWDA)

1200 TN 505
04/07/2000

8-41. Assistance Agreements for Source Reduction and Recycling Technical Assistance

1. **AUTHORITY.** To approve grants or cooperative agreements for States to establish or expand waste reduction technical assistance programs under Section 8001(a) of the Solid Waste Disposal Act, as amended.
2. **TO WHOM DELEGATED.** The Associate Administrator for Policy.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.**
 - a. EPA's Assistance Administration Manual.
 - b. Delegation 1-14, Assistance Agreements, which gives the authority to execute grants and cooperative agreements to the Director, Grants Administration Division, with further delegation authorized to the Branch Chief level.